

civil-service retirement bill; to the Committee on Reform in the Civil Service.

3536. Also (by request), petition of North Washington Teachers' Association, Washington, D. C., favoring a bonus of not less than \$500 for teachers; to the Committee on Appropriations.

3537. Also (by request), petition of Davenport Aerie, No. 235, Fraternal Order of Eagles, regarding the Rock Island Arsenal; to the Committee on Military Affairs.

3538. By Mr. CULLEN: Petition of American Newspaper Publishers' Association, relative to second-class postage rates, Federal taxation, and Pacific radio services; to the Committee on Ways and Means.

3539. Also, petition of College of the City of New York Post, American Legion, opposing bonus to noninjured veterans of the war, but in favor of adjusted compensation for those injured; to the Committee on Ways and Means.

3540. Also, petition of Board of Aldermen of the City of New York, relative to increased pay for postal employees; to the Committee on the Post Office and Post Roads.

3541. By Mr. FULLER of Illinois: Petition of the Board of Trade of the City of Chicago, opposing sales tax on grain or produce for future delivery; to the Committee on Ways and Means.

3542. Also, petition of the Disabled Men's Bureau of Service and Legislation, relative to bonus legislation; to the Committee on Ways and Means.

3543. Also, petition of Joint Postal Organization, of Boston, Mass., relative to the Postal Service and necessity of the reclassification of postal salaries; to the Committee on the Post Office and Post Roads.

3544. Also, petition of American Steamship Owners' Association, favoring the granting to the Coast Guard Service the rank and pay of officers of the Army and Navy; to the Committee on Naval Affairs.

3545. By Mr. GRIFFIN: Petition of Board of Aldermen of New York City, favoring action of Joint Congressional Commission on Postal Salaries; to the Committee on the Post Office and Post Roads.

3546. By Mr. McDUFFIE: Petition of the adjutant general of the National Guard of the State of Alabama, urging the conferees on the Army reorganization bill to act favorably on the bill allowing the National Guard to organize under the militia clauses (State rights); to the Committee on Military Affairs.

3547. Also, petition of a mass meeting of citizens of Jefferson County, Ala., favoring the freedom of Ireland and the passage of the Mason bill; to the Committee on Foreign Affairs.

3548. By Mr. O'CONNELL: Petition of Sylvester F. Bau, Brooklyn, N. Y., protesting against tax on stock exchange transactions; to the Committee on Ways and Means.

3549. Also, petition of Joint Postal Organizations of Boston, Mass., urging a report of the Joint Commission on Postal Salaries and increased remuneration for postal employees; to the Committee on the Post Office and Post Roads.

3550. Also, petition of the Madison Club of the eighteenth assembly district, urging an early report of the Joint Commission on the Readjustment of Salaries in the Postal Service; to the Committee on the Post Office and Post Roads.

3551. Also, petition of Robert L. Cohn, Brooklyn, N. Y., protesting against tax on stock-exchange transactions; to the Committee on Ways and Means.

3552. Also, petition of Gilbert T. Washburn & Co., protesting against legislation taxing advertising; to the Committee on Ways and Means.

3553. Also, petition of Private Soldiers and Sailors' Legion, Washington, D. C., relative to bonus for soldiers; to the Committee on Ways and Means.

3554. By Mr. PAIGE: Papers to accompany H. R. 14024, granting a pension to Julia A. Twichell; to the Committee on Invalid Pensions.

3555. By Mr. ROWAN: Petition of Albert Firman and Andrew O. Murphy, favoring an increase in pay to postal employees; to the Committee on the Post Office and Post Roads.

3556. Also, petition of American Museum of Natural History, opposing passage of House bill 12466; to the Committee on the Public Lands.

3557. Also, petition of International Planters' Corporation, Private Soldiers and Sailors' Legion, Morris Land & Improvement Co., Francis S. Whitten, F. Robertson Jones, and Adolph Lewisohn, in connection with soldier-bonus legislation; to the Committee on Ways and Means.

3558. Also, petition of American Steamship Owners' Association of New York, favoring the same pay for Coast Guard Service as the officers of the Army and Navy; to the Committee on Naval Affairs.

3559. Also, petition of James C. McMullin, of New York City, regarding freedom of Ireland; to the Committee on Foreign Affairs.

3560. Also, petition of Douglas Johnson, of New York City, regarding freedom of Ireland; to the Committee on Foreign Affairs.

3561. Also, petition of J. Mitchel Thorsen, Gilbert T. Washburn & Co., and George A. Torsey, opposing the proposed tax on advertising and the proposed sales tax; to the Committee on Ways and Means.

3562. By Mr. SINCLAIR: Petition of the Woman's Study Club of Alamo, N. Dak., indorsing the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

3563. Also, petition of the Woman's Club of Amidon and the Woman's Study Club of Alamo, both in the State of North Dakota, indorsing the Smith-Towner educational bill; to the Committee on Education.

3564. By Mr. TAGUE: Petition of Joint Postal Organization of Boston, Mass., requesting increased pay for postal employees; to the Committee on the Post Office and Post Roads.

## SENATE.

TUESDAY, May 11, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, with every mention of Thy name we come to the point of the supreme choice of life. Thou dost bring us to the issue of life by the revelations of Thyself to men. We pray that as we begin the duties of this day, lifting our hearts to Thy throne, our choice may be the choice of God's will and of God's way. May we surrender ourselves fully into Thy keeping, that we may to-day guard the honor of God and advance the interests of Thy kingdom through our work. For Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes.

### PETITIONS AND MEMORIALS.

Mr. CAPPER presented a memorial of the Sunday School of the Church of the Brethren, of Waterloo, Iowa, remonstrating against compulsory military training and praying for the enactment of legislation providing for physical education, which was referred to the Committee on Education and Labor.

Mr. HALE presented a petition of the Chamber of Commerce of Portland, Me., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a petition of Mason County Pomona Grange, No. 52, Patrons of Husbandry, of Ludington, Mich., and a petition of Hamlin Resort Grange, No. 1354, Patrons of Husbandry, of Ludington, Mich., praying for the enactment of legislation granting to farmers the right of collective bargaining, which were referred to the Committee on the Judiciary.

He also (for Mr. NEWBERRY) presented a petition of Phillip Elliott Hodges Post, No. 22, American Legion, of Saginaw, Mich., praying for the enactment of legislation providing adjusted compensation to ex-service men, which was referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented a petition of the Federation of Women's Clubs, of Oakland County, Mich., and a petition of sundry citizens of Port Huron, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which were referred to the Committee on Public Health and National Quarantine.

### REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 2279) to authorize the addition of certain lands to the Humboldt National Forest, reported it with amendments and submitted a report (No. 535) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 10072) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes, reported it with amendments and submitted a report (No. 584) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 13416) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1921, and for other purposes, reported it with amendments and submitted a report (No. 583) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12530) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with an amendment and submitted a report (No. 582) thereon.

#### REPUBLIC OF ARMENIA.

Mr. HARDING, from the Committee on Foreign Relations, reported the following resolution (S. Res. 357):

Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered; and Whereas the people of the United States are deeply impressed by the deplorable conditions of insecurity, starvation, and misery now prevalent in Armenia; and

Whereas the independence of the Republic of Armenia has been duly recognized by the supreme council of the peace conference and by the Government of the United States of America: Therefore be it

*Resolved*, That the sincere congratulations of the Senate of the United States are hereby extended to the people of Armenia on the recognition of the independence of the Republic of Armenia, without prejudice respecting the territorial boundaries involved; and be it

*Further resolved*, That the Senate of the United States hereby expresses the hope that stable government, proper protection of individual liberties and rights, and the full realization of nationalistic aspirations may soon be attained by the Armenian people; and be it

*Further resolved*, That in order to afford necessary protection for the lives and property of citizens of the United States at the port of Batum and along the line of the railroad leading to Baku, the President is hereby requested, if not incompatible with the public interest, to cause a United States warship and a force of marines to be dispatched to such port with instructions to such marines to disembark and to protect American lives and property.

The VICE PRESIDENT. The resolution will be placed on the calendar.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 4361) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes (with accompanying papers); to the Committee on Naval Affairs.

By Mr. HARRISON:

A bill (S. 4362) to authorize the purchase of Federal farm-loan bonds by the Secretary of the Treasury; to the Committee on Banking and Currency.

By Mr. JONES of Washington:

A bill (S. 4363) repealing war-time legislation; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 4364) granting a pension to Oscar Miller (with accompanying paper); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4365) for the relief of the Great Lakes Engineering Works; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 4366) for the relief of Charles G. Griffa; to the Committee on Military Affairs.

#### PROMOTION OF ARMY OFFICERS—CONFERENCE REPORT.

Mr. FRELINGHUYSEN. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes. I ask unanimous consent to proceed to the consideration of the conference report.

The report was read and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 10.

That the Senate recede from its amendment to the amendments of the House numbered 3, 4, 5, 7, 8, 9, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by the House insert the following: "the sum of \$10,000"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"Sec. 2. Col. William A. Simpson: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Col. William A. Simpson, United States Army, retired, to the position and rank of brigadier general on the retired list.

"Sec. 24. Col. Robert H. Peck: That Col. Robert H. Peck, Eleventh Infantry, Regular Army, who, under the authority of the act approved July 12, 1912, was, by the President, by and with the advice and consent of the Senate, appointed a captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry, be, and he hereby is, restored to the position on the lineal list of majors of Infantry of the Regular Army which he would have held had he not been out of the service; that is to say, to a place on the lineal list of majors of Infantry just above that occupied by Maj. H. E. Yates. But nothing in this act contained shall entitle the said Robert H. Peck to back pay or allowances."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"Credit in the accounts of Col. Jesse McL. Carter: The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of Col. Jesse McL. Carter, Cavalry, United States Army, the sum of \$352.23, disallowed against him on the books of the Treasury.

"Sec. 63. Omer Germain Paquet: That the President be, and he is hereby, authorized to permit the reenlistment in the United States Army, at the grade held by him at the time of his dishonorable discharge from the service, of Omer Germain Paquet, formerly a quartermaster sergeant; and the said Omer Germain Paquet shall, for the purposes of computing continuous service, for ascertaining the rate at which he shall be paid, and for retirement, be considered to have served continuously from the date of his last enlistment."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows:

"Sec. 8. William Shelby Barriger: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William Shelby Barriger, who enlisted in the Regular Army on September 15, 1900, and who rose to be a first lieutenant of Cavalry, at present temporary major of Quartermaster Department, a captain of Cavalry, to take rank at the foot of the regular list of captains of Cavalry: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act: *Provided further*, That the total number of captains of Cavalry is increased by one for the purpose of this act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows:

"Sec. 9. Capt. J. C. Garrett: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, J. C. Garrett, formerly a captain of Cavalry, to rank as if he had remained continuously in the service."

And the House agree to the same.

J. S. FRELINGHUYSEN,  
ARTHUR CAPPER,

*Managers on the part of the Senate.*

THOMAS S. CRAIG,  
ROLLIN B. SANFORD,  
J. W. WISE,

*Managers on the part of the House.*

#### AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. GRONNA. I present the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and for other purposes. I wish to state for the information of the Senate that there are three provisions of the bill which are



still in disagreement. The provision for free seeds, likewise the provision authorizing the Secretary of Agriculture to ascertain whether or not the fees paid upon the western ranges are sufficient, and also what is known as the Comer amendment, affecting the standards of cotton. I ask that the report lie on the table and be printed.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The report will be received, printed, and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 11, 12, 13, 22, 23, 24, 36, 38, 42, 43, 44, 53, 58, 62, 64, 65, 68, 69, 70, 77, 80, 88, 89, 90, 95, 96, 97, 112, 115, 118, 122, 123, 130, 138, 139, 141, 147, 148, 149, 150, 153, 163, 167, 168, 170, 174, 175, 176, 177, 178, 182, 185, 191, 195, 196, 198, 199, 200, 205, 206, 211, 216, 218, 222, 223, 226, 227, 228, 231, 233, 234, 236, 238, 244, 246, 251, 253, 254, 255, 258, 263, 266, 268, 269, 273, 276, 278, and 281.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 14, 15, 16, 17, 25, 30, 31, 32, 33, 34, 41, 48, 49, 50, 51, 52, 54, 56, 57, 60, 61, 71, 73, 74, 78, 81, 82, 83, 84, 85, 86, 91, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 117, 121, 124, 125, 126, 128, 131, 133, 134, 135, 136, 142, 143, 144, 146, 154, 155, 156, 157, 158, 160, 164, 169, 171, 172, 173, 179, 184, 188, 190, 192, 194, 201, 203, 207, 208, 210, 212, 213, 217, 229, 230, 235, 240, 241, 245, 256, 257, 261, 267, 275, and 280, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$465,260"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "Office of Farm Management and Farm Economics"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "Office of Farm Management and Farm Economics"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "\$75,390"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "Office of Farm Management and Farm Economics"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "Office of Farm Management and Farm Economics, \$375,390"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the number proposed by the Senate amendment insert "ten"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert "5 clerks, at \$900 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed by the Senate amendment insert "twenty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert "1 printer or compositor, \$1,200;

6 printers or compositors, at \$1,080 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$344,450"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$700,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert:

"A commission composed of the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, is hereby appointed to make an examination of the premises known as Mount Weather, situated at Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, and comprising 84.81 acres of land, more or less, together with the buildings and other improvements thereon, including laboratories, cottages, sheds, stables, shops, heating and power plant, kite shelter, and other buildings of whatever nature, together with all the rights, easements, and appurtenances thereto belonging, and to report to Congress on the first day of the next session thereof whether said premises can be suitably used as a sanitarium or as a home for disabled soldiers, sailors, or marines, or can be profitably utilized in any other way in connection with any other governmental function, and to make such recommendation in the premises as in the judgment of the commission may be deemed to be the best interest of the Government."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$1,876,550"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the number proposed by the Senate amendment insert "ten"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the number proposed by the Senate amendment insert "two hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert "15 clerks, at \$1,100 each; 10 clerks, at \$1,080 each; 12 clerks, at \$1,020 each; 70 clerks, at \$1,000 each; 6 clerks, at \$960 each; 12 clerks, at \$900 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$669,230"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "\$325,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$3,917,346"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$5,479,156"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter stricken out





That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert "4 clerks, at \$900 each; 1 clerk, \$840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$54,480"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$234,880"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$4,635,280"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$4,870,160"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert "two clerks, at \$900 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$117,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert:

"For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor, \$25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$447,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$515,020"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the number proposed by the Senate amendment insert "one hundred seventy-three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "2 machine operators, at \$1,400 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert "2 machine operators, at \$900 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$710,650"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "\$300,000: *Provided*, That not less than \$20,000 shall be used for a study of the methods of prevention of losses by deterioration, decay, and freezing of fruits and vegetables in storage and in transit in refrigerator cars, heater cars, and ocean vessels, including demonstrations of such methods"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$70,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$1,096,825"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 252, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$2,538,709"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$125,450"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$160,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$194,050"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "; and to enable the Secretary of Agriculture to cooperate with the War Department in the maintenance of an air patrol for fire prevention and suppression on the national forests of the Pacific coast and the Rocky Mountain regions, \$50,000: *Provided*, That no part of this appropriation shall be used for the purchase of land or airplanes or for the construction of buildings; in all, \$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert, on page 103, line 5, after the word "*Provided*," the following: "That not more than \$10,000 may be used for the eradication of the blowfly and screw worm in live stock and poultry: *Provided further*"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$488,560"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 272, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "\$325,000, of which amount \$200,000 shall be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 274, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert:

"Prevention of spread of European corn borer: To enable the Secretary of Agriculture to meet the emergency caused by the spread of the European corn borer, and to provide means for the control and prevention of spread of this insect throughout the United States, in cooperation with the States concerned, including employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, \$400,000, of which \$250,000 shall be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 277, and agree to the same with

an amendment as follows: In lieu of the matter proposed by the Senate amendment insert:

"Short-time rural credits committee: There is hereby constituted a joint committee of the Senate and House of Representatives, to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to investigate and report at as early a date as may be possible as to the practicability of establishing a system of short-time rural credits in the United States and to recommend such legislation as may be deemed practicable and desirable to that end. The said committee is hereby authorized to hold meetings either during or between sessions.

"The sum of \$5,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, payment of said expenses to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 279, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert:

"The Secretary of Agriculture is authorized to acquire by gift, devise, or by purchase in fee simple for a sum not to exceed \$1 for each site, the sites now occupied by field stations at Chico, Calif., consisting of about 80 acres and used for propagating, testing, and distributing new plant introductions; the site at Bellingham, Wash., consisting of about 60 acres and used as a bulb station and for propagating, testing, and distributing new crop plants; and the sites at Buena Vista, Fla., and Savannah, Ga., consisting of about 25 acres and about 46 acres, respectively, and used for propagating, testing, and distributing new crops plants peculiarly adapted to the warmer parts of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "\$31,475,368"; and the Senate agree to the same.

On the amendments of the Senate numbered 93, 116, and 249 the committee of conference has been unable to agree.

A. J. GRONNA,

G. W. NORRIS,

*Managers on the part of the Senate.*

G. N. HAUGEN,

J. C. McLAUGHLIN,

GORDON LEE,

*Managers on the part of the House.*

#### CIVIL-SERVICE RETIREMENT—CONFERENCE REPORT.

The VICE PRESIDENT. The morning business is closed.

Mr. STERLING. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the House to the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

The motion was agreed to, and the report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1699, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 4, 8, 9, 15.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 6, 10, 11, 13, 14, 16, 19, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Strike out the words "sixty-two" and "sixty" where they occur and insert in lieu thereof the words "sixty-five" and "sixty-two," respectively, so that the amendment shall read: "Provided, That mechanics, city and rural letter carriers, and post-office clerks shall be eligible for retirement at 65 years of age, and railway postal clerks at 62 years of age, if said mechanics, city and rural letter carriers, post-office

clerks, and railway postal clerks shall have rendered at least 15 years of service computed as prescribed in section 3 of this act"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: Restore the original language stricken out, adding thereto the words "or by other competent authority," so that the amendment shall read: "appointed directly by the commissioners or by other competent authority"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: In lieu of the language proposed by the House insert the following: "Provided, That no person employed in the executive departments within the District of Columbia, retired under the provisions of this act during the fiscal year ending June 30, 1921, shall be replaced by additional employees, but if the exigencies of the service so require, places made vacant by such retirement may be filled by promotion or transfer of eligible employees already in the service"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 17, and agree to the same with an amendment as follows: After the word "redeposited" insert the words "with interest," so that the amendment shall read: "Provided, That all money so returned to an employee must be redeposited with interest before such employee may derive any benefit under the provisions of this act, upon reinstatement or retransfer to a classified position"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 18, and agree to the same with an amendment as follows: Between the words "be" and "entitled," in line 8 of the amendment, insert the word "legally," so that the amendment shall read: "Provided, That if in case of death the amount of deductions to be paid under the provisions of this section does not exceed \$300, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor or administrator, the payment may be made, after the expiration of three months from date of death, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person"; and the House agree to the same.

THOMAS STERLING,

ALBERT B. CUMMINS,

KENNETH McKELLAR,

*Managers on the part of the Senate.*

FREDERICK R. LEHLBACH,

LOUIS W. FAIRFIELD,

HANNIBAL L. GODWIN,

*Managers on the part of the House.*

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. THOMAS. Mr. President, there is one feature of this conference report which, in my judgment, is unfortunate. I refer to that which reduces the age of retirement. Under the report many officials and employees who are beneficiaries of the bill are authorized to retire from the public service at the ages of 62 and 65, respectively. We had considerable discussion on that subject when the bill was before the Senate. The senior Senator from Utah [Mr. SMOOT] at that time offered an amendment, which the Senate adopted, fixing the age of retirement at 70, and the reasons which he assigned for his amendment were, I think, conclusive. So believing, I want to urge upon the Senate the importance of recommitting the bill to the committee of conference with instruction to insist upon the Senate provision regarding the subject of age retirement.

Employees at the ages of 62 and 65 should be the most useful and valuable of all those in the civil service. Presumably they represent the experience and capacity which ripe years bring to any vocation, and therefore make them presumably more useful than at any previous time of their employment. We propose under the conference report to encourage the retirement from the public service of that valuable class of men, the most of them in the full possession of their mental and physical vigor, and pay them \$700 or \$800 a year, and at the same time enable them in private life to obtain compensation for service which should belong to the Government under every principle of equity as applied to a pension system.

I am informed that a number of men now in the service having reached that time of life intend to take immediate advantage of this liberality and enter private employment at prevailing rates of compensation and at the same time draw \$700



and \$750 a year out of the Treasury. Mr. President, that is indefensible; it is inexcusable; and I protest against it.

If the Government has become an eleemosynary institution whose principal mission in the world is to shower its financial favors upon its citizens, both those in and those outside of its employment, let us unhesitatingly say so and act accordingly. But if the Government is to be regarded and is to be administered according to the principles upon which and in obedience to the purposes and objects for which it has been founded, then the sooner we go back to first principles the better.

The civil service is organized. Thanks to the liberality and encouragement of the present administration, its rank and file act as a unit and are verifying the apprehensions of those who opposed the civil-service system some 20 or 30 years ago. They possess political power and are on the job all the time. They hold the rod of an implied menace over the head of every Member of Congress and do not hesitate to exercise it in connection with all proposed measures of legislation intended for their benefit, and they also see to it that those measures are as frequent as they desire, and that they shall receive the active consideration of the committees at every session. The boon which we now give them, and which I favor, of an old-age retirement pension, under this conference report is supplemented by a privilege which is of enormous value and at the expense of the Government which these people serve.

What would be thought, Mr. President, of a great business institution pensioning its old employees which would not only permit but would encourage the retirement of men and women in the very prime of their powers and in the possession of expert acquirements that they have obtained through long years of service in that particular institution? It might be regarded as an act of unusual and praiseworthy philanthropy, but it would operate to the demoralization of the force by the encouragement of the retirement of the best element of the working force, whose availability in all departments of enterprise and industry is at present too obvious to require comment.

I do not know how many of the vast army of Federal employees have reached or are approaching the ages of 62 and 65 years. I do know, however, that every bill designed to increase pay which is pending at present upon our calendars or before committees is sustained, among other things, by the argument that such increased pay is absolutely necessary to hold the force in Government employ; that scores upon scores of useful civil-service employees have left and are daily leaving the service because of the small emolument provided for their compensation and because of the attractions of better pay in private life. We are warned that unless these increases are made the service will suffer very seriously because of continued depletion, the only way to prevent which is increased compensation; and there is a great deal of truth in the contention; yet in the very presence of it we are encouraging others to leave, we are paying them to leave at a crisis in the administration of the civil service consequent upon so many defections independent of this bill. Of course, it is done because it is demanded by the combinations of employees, against which the virtue and moral courage of the average Member of either House of Congress can not stand, and especially in this year of the presidential election.

Mr. President, I shall submit a motion if it is necessary that the Senate do not concur in this conference report; that they stand by their bill and ask for a further conference. I know of no point of order that can be made against the report. I do not want to make one even if there were, because my objection is concentrated upon this one recession of the Senate members of the conference committee in their negotiation with the House members.

Mr. President, I do not care to detain the Senate in further discussion. I have expressed my objections to this report as clearly as I am able, and if they do not address themselves to the wisdom of the majority of the Senate, well and good. I feel, however, that those who vote to concur in the conference committee's report and accept it will, within the next year, regret their action, because of the enormous defection which will occur in the public service by those who desire to take advantage of the demand everywhere for labor, particularly skilled labor, and the Government in giving this largess to its employees will have deprived itself of the much-needed services of skilled or experienced employees.

Mr. SMITH of South Carolina. Mr. President, may I inquire of the chairman of the committee what was the age limit in the original House bill?

Mr. STERLING. The age limit in the original House as well as in the original Senate bill was 65 years. That pertained to employees generally. The age limit of 62 years was fixed for mail carriers, both rural and city carriers, post-office clerks, and mechanics, and 60 years for railway postal clerks. That was according to the original Senate and House bills.

Mr. SMITH of South Carolina. What was the provision of the bill as it passed the Senate?

Mr. STERLING. As the bill passed the Senate, the age of retirement was fixed at 70 years for all classes of employees.

Mr. SMITH of South Carolina. And the compromise now is 62 and 65 years, respectively?

Mr. STERLING. It is 70 years for employees generally, 65 years for rural and city letter carriers and post-office clerks, and mechanics, and 62 years for railway postal clerks. That is the compromise.

Mr. SMITH of South Carolina. The compromise makes three distinctions as against a like number in the original House bill and one in the Senate bill?

Mr. STERLING. Yes, sir.

Now, Mr. President—

Mr. BORAH rose.

Mr. STERLING. I yield to the Senator from Idaho.

Mr. BORAH. I desire to occupy the time of the Senate for about 5 or 10 minutes, not on the pending matter, but upon another matter. I will not delay the consideration of the conference report for more than 5 or 10 minutes.

Mr. STERLING. I yield to the Senator.

Mr. BORAH. Does the Senator from South Dakota desire to address the Senate?

Mr. STERLING. I was going to address the Senate on the pending proposition.

Mr. BORAH. Oh, very well.

Mr. STERLING. If the Senator from Idaho will defer his remarks until a little later, I do not think it will take very long to dispose of the conference report.

Mr. BORAH. I am only going to call attention to a matter which properly belongs to the morning hour, and it will not take over 5 or 10 minutes for me to do so; but I will wait until the Senator from South Dakota shall have concluded his remarks.

Mr. STERLING. Very well. Mr. President, I have listened with interest to the remarks made by the Senator from Colorado and his criticism of the conference report. I do not share the views of the Senator from Colorado with regard to the injustice it will work upon the people if we adopt the ages provided for in the conference report.

I never saw much objection to 70 years as the limit for employees generally as we find them in the various executive departments of the Government; and hence, just before this bill passed the Senate I accepted the amendment offered by the Senator from Utah [Mr. Smoot] providing that 70 years shall be the retiring age. The bill went to conference, the House having passed the bill in its original form so far as the age limit was concerned by a vote, as I recall, of 237 to 53. On entering the conference it was manifest that the House conferees would not agree to the general 70-year limit, but that they would insist upon a distinction between the classes of employees and that for the rural and city carriers and post-office clerks and mechanics under the limitation of age should be 65 years, and that they would further insist on at least 62 years as the limit for railway postal clerks.

Mr. President, I think there is strong reason in the contention of the House conferees. In the case of the rural carrier, for example, exposed as he is to the extremes of heat and cold on his standard route of 24 miles or more than 24 miles, running up to 36 miles, shall it be a requirement of the Government of the United States that a man of 65 years of age and over shall keep on with that kind of work, exposed as he is, until he reaches the age of 70 years?

The Senator from Colorado would have a rural carrier serve until he is 70 years of age, but I can not insist that the rural carrier in South Dakota traveling his 24 or his 36 mile route, with the diminished vitality due to that age, shall continue in the service; nor am I ready to insist that the city carrier, carrying from 40 to 100 pounds of burden, with the diminished vitality necessarily arising from his age, shall continue in the service after he has reached 65 years of age.

Mr. THOMAS. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. THOMAS. I know of a great many farmers in my State who now have to cultivate their own farms and look after their own chores who have passed the age of 70, and who are doing this work and getting along without retirement pensions. If there is any difference between the man who serves the Government and the man who has to earn his own living in this country, then my selection goes to the man who has to earn his own living.

Mr. STERLING. Mr. President, the objection of the Senator from Colorado goes to any retirement bill at all, and not to the principles of the retirement bill as presented in the conference report, nor to the ages provided for in the bill. It seems to be



almost universally conceded—it was conceded by the opponents of the bill themselves when it was under discussion in the Senate—that we should have a retirement bill, and that it was to the reproach of this great Government that it, among the great nations of the world, had never provided any system of retirement for its civil-service employees. I think it is the general consensus of opinion, in fact almost the universal opinion, that the Government should have a civil-service retirement system. Mr. President, what further is there about the age provision? The employees of the Post Office Department, the rural and city carriers and the post-office clerks, are not obliged to retire at the age of 65 years. If they are competent and efficient and the head of the department shall so certify, they may remain in the service for a period of 10 years after the passage of this act.

Mr. THOMAS. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. THOMAS. I think I may reply to that argument as the Senator replied to mine. If that privilege is given, does it not argue that the early retirement fixed by the conference report is unnecessary and unwise? If it is merely a matter of selection or choice, then does it not indicate that the physical disability which this bill proposes arbitrarily to fix at those ages may not exist?

Mr. STERLING. Oh, no; I think not, Mr. President. The principle of the bill is that if a man at 65 is exceptional and desires to serve, and he is certified to as competent, he may remain in the service. The bill is designed all along the line to give the exceptional man the privilege of serving. Taking the case of the railway postal clerks, 62 is fixed as the age of retirement, and I think justly and reasonably so. The work is arduous and is to a certain extent nerve-racking, and such employees at the age of 62 years, as a rule, I think, because of disability in that strenuous service are ready to retire. On the other hand, the man who is exceptionally strong may remain in the service of the Government for a period of 10 years after this law goes into effect, if he is qualified. It is provided in the bill, however, that after 10 years from the time the bill goes into effect the extension shall be limited to two periods of two years each, so that after the lapse of 10 years the man who is a rural carrier or a city carrier or a post-office clerk may remain in the service until he is 69 years of age, if he is qualified for the service.

So I say, Mr. President, that the exceptions to the 70-year age limit for retirement are founded upon humane principles, to say nothing of efficiency in the service; and for that reason I am convinced that though the Senate passed the bill with 70 years as the age of retirement for all classes of employees the conference report in making these distinctions is just and reasonable and ought to be adopted.

There is a further thing to consider, Mr. President. This bill provides for a board of actuaries, one of whom shall be the present Government actuary, who will take into consideration the workings of the bill, how the service is affected thereby, what the cost to the Government will be, and whether it is founded on proper and just principles. There will be ample time, within the 10 years during which these men may serve this longer period of time, in which to test the principles upon which the bill is founded, and I sincerely hope there will be no question about the adoption of the report.

Mr. SMOOT. Mr. President, when this bill went to conference, I took it for granted that the conferees of the Senate would try to stand for the action of the Senate; but the speech that has just been delivered by the chairman of the conference committee on the part of the Senate demonstrates to me beyond a question of a doubt that there was no chance for the Senate amendment. I think that if it had been left entirely with the Senate conferees the conference report would have embodied the ages as reported. They would have agreed to the ages as the House amendment provided and as the bill was originally introduced if the House conferees had strenuously insisted. The Senator from Iowa [Mr. CUMMINS] I am confident is the only conferee that prevented such action. This conference report would have come back to the Senate with the years 60, 62, and 65, as originally introduced, had it not been for the Senator from Iowa.

I am not going to take the time of the Senate this morning to go over the ground again and give the reasons why the 70-year age limit agreed to by the Senate ought to have stood and ought to be the law.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I yield.

Mr. STERLING. I just want to correct the Senator from Utah in one respect. He says that had it not been for the Senator from Iowa the conferees would have reached an agreement upon the ages provided in the bill originally. The Senator is hardly warranted in making that statement. The conferees would not with my vote have reached that agreement.

Mr. SMOOT. I judged from the speech the Senator made—

Mr. STERLING. Oh, no; I made no remark whatever to justify that inference. I said in the course of my remarks that I had never had much objection to 70 years as the limit for employees generally, and I have insisted on a higher age than 65 for those in conference.

Mr. SMOOT. I know the position of the Senator as it was stated when the bill was under consideration, and I judged from his remarks this morning that it had not changed an iota. I am glad, however, that the Senator made the statement he did.

Mr. CUMMINS. Mr. President—

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. CUMMINS. I am bound to say, I must say, that the Senate conferees were entirely loyal to the action of the Senate, no matter what their individual opinions may have been with regard to the propriety of the change made in the Senate upon the motion of the Senator from Utah. I feel that so much is due to my associates upon the conference committee.

So far as I am individually concerned, everybody knows that I am opposed to this bill. I am opposed to the principle upon which the bill is based. I do not believe that the Government ought to contribute anything to a pension fund except that sum necessary to put it into execution and cover the period of a few years after the enactment of the bill. I want no one to misunderstand my position in regard to that matter.

When it comes to the question of the age of retirement, however, I believe that there are some employees in the civil service of the United States who ought to be retired at an earlier age than 70 years; notably, the railway postal clerks. It would be, as I view it, very inconsiderate to pass a retirement bill which did not permit such employees to retire before they became 70 years of age.

I am entirely in accord with the report of the conference committee so far as railway postal clerks are concerned, and I think letter carriers in cities ought to be retired at an age below 70 years. If I could have had my own way, however, I would have preferred that the other employees should have been governed by the 70-year retirement age.

Mr. SMOOT. Mr. President, I agree with the Senator from Iowa in his statement in relation to the age limit, if there were not a relief provision in the bill taking care of the cases of persons who are disabled, mentally or physically, where they have served the Government 15 years, I would insist upon having difference ages. My mail has been full of letters from employees of the Government complaining most bitterly of the limit of ages to 62 and 65. We will have mechanics retiring, under this conference report, at the age of 65 years. Let us see what one of the mechanics at the Government Printing Office says, and it is true. You can not deny what he says:

The word "mechanic," as we understand it, includes the employees of the Government Printing Office. We work under conditions much more favorable than outside mechanics, not being subject to outside weather conditions, and are well housed.

Mr. President, that is true with all of the mechanics of the Government. That is true with all the post-office clerks of the Government. Why let a post-office clerk be retired at 65 years of age and a clerk in any other department of our Government at the age of 70? It can not be defended, Mr. President.

As I have stated, there is some reason for a railway postal clerk being retired at an earlier age, because of the very character of the service. It is hard on him physically to ride on railroads day in and day out, and night in and night out. No one doubts that. There is a provision in the bill, however, that will take care of that class of employees; and I fully agree with the Senator from Iowa that there is no reason whatever for having the mechanics and the post-office clerks retired at a different age than the other clerks in the Government service.

Mr. STERLING. Mr. President, if the Senator will permit me just a moment, I may suggest a reason why I think post-office clerks should have a retirement age of 65 generally, rather than a higher age. The work is arduous. It requires the man to be on his feet all the time. Much of his work is night work. He must be of strong constitution and he must be alert of mind in order that he may distribute the mails and do the task assigned him. It is altogether different from the work of the clerk in the ordinary executive department, and it is for that reason that the age is fixed at 65 for that class of employees.



Further, Mr. President, I will warrant that the letter which the Senator from Utah has in his hand takes no account of the additional time which that mechanic may serve. He may serve for 10 years after he has reached the age of 65, if he is competent and desires to serve—

Mr. SMOOT. Oh, no.

Mr. STERLING. And after 10 years from the time the bill goes into effect he may serve 4 years, until reaching the age of 69. So that there is no cause of complaint on the part of any clerk who is nearing the age of 65 now, because he can continue in service.

Mr. SMOOT. There is no post-office clerk who can serve beyond 69 years of age. If he is granted two 2-year extensions, that is the limit.

Mr. STERLING. That is after the first 10 years.

Mr. SMOOT. Oh, well, they are not going to put in men who are 59 years old to begin with. That will never happen, and particularly after this bill becomes a law.

Mr. President, I think it is proper for the RECORD to show just what this change is going to cost the Government of the United States, and at the same time I want to show what a saving there would have been to the Government of the United States if the age had remained at 70 years.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. Of course, the Senator is aware, from his experience in such matters, that the question of cost is of no consequence.

Mr. SMOOT. I think that is true. I begin to think that the Senator from Colorado is absolutely right, and the only way to be popular in the United States is to grant every dollar that it is possible to get out of the Treasury of the United States.

Mr. THOMAS. As soon as possible.

Mr. SMOOT. If you do that, you are a very popular man, very popular indeed; but if you undertake to save a dollar of the people's money, if you undertake to reduce taxes in any way, you are a very unpopular man, and you are threatened with defeat whenever you come up for election. Such threats will have no effect upon me. I do not care whether I am defeated or whether I am elected, but as long as I am in public life I am going to try to save what I can of the people's money; and I do not mean to be niggardly in appropriations when I say that. I want to have appropriations made which will cover every requirement of the Government. I want the Government

of the United States to be a better employer than any other Government on earth, and all the men laboring for the Government I want to work under the very best conditions that can be found in all the world, and all I ask of them is that for those favorable conditions they give a day's service to their Government. I am ready to have the Government take care of them in their old age, or in case unavoidable sickness comes to them; I want to see the Government do at least what the private employers of labor in this country will do. But in doing that, Mr. President, we need not go crazy; we need not lose our heads. We ought to be just to both the Government and the employees.

Mr. President, it will take me just a few moments now to put these figures in the RECORD, and then I shall say no more, because the Senator from North Dakota [Mr. McCUMBER] tells me that he desires to proceed with the speech which he gave notice the other day he would deliver to-day. I shall take first railway postal clerks, and I am going to give the cost and the differences for only the first year.

Under the provisions of the Sterling-Lehlbach bill the Government would pay \$536,324. Under the provisions of the Sterling bill as it passed the Senate it would pay \$130,926, or a saving of \$405,398.

Mr. POMERENE. Mr. President, may I ask the Senator what class of employees that covers?

Mr. SMOOT. That is just the railway postal clerks. The cost of pensions the first year under the provisions of the conference report will be \$404,192, or a saving of \$132,132. The difference in saving between the bill as it passed the Senate and the conference report is \$273,266.

Take the rural and city letter carriers, post-office clerks, and mechanics: Under the provisions of the Sterling-Lehlbach bill the cost of the first year is \$1,856,639. Under the provisions of the Sterling bill as it passed the Senate it is \$509,492, a saving of \$1,347,147. The cost of pensions the first year under the provisions of the conference report would be \$1,082,495, a saving of \$574,144.

For general employees the cost under the provisions of the Sterling-Lehlbach bill would be \$2,391,908. Under the provisions of the Sterling bill as it passed the Senate it would be \$1,410,971, or a saving of \$980,937.

Mr. President, I am not going to present any more of the figures, but I ask that this table complete may go into the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The table is as follows:

Table showing the saving in cost of pensions the first year under the provisions of the Sterling bill as it passed the Senate compared with the Sterling-Lehlbach bill and per cent of saving, by class of employees, the saving in cost of pensions first year under provisions of the conference report compared with the Sterling-Lehlbach bill and per cent of saving, by class of employees, and the difference in saving between the bill as it passed the Senate and the conference report.

[In this table it is assumed that employees will retire as soon as they become eligible.]

Class of employees.	Cost of pensions first year.		Saving (1)–(2).	Per cent of saving in each class.	Cost of pen- sions first year under provisions of conference report.	Saving (1)–(5).	Per cent of saving in each class.	Difference in saving be- tween the bill as it passed the Senate and the confer- ence report (3)–(6).
	Under provi- sions of Sterling- Lehlbach bill.	Under provi- sions of the Sterling bill as it passed the Senate.						
	(1)	(2)						
Railway postal clerks.....	(a) \$536,324	(d) \$130,926	\$405,398	75.59	(g) \$404,192	\$132,132	24.64	\$273,266
Rural and city letter carriers, post-office clerks, and me- chanics.....	(b) 1,656,639	(e) 509,492	1,147,147	69.25	(h) 1,082,495	574,144	34.66	573,003
General employees.....	(c) 2,391,908	(f) 1,410,971	980,937	41.01	(i) 1,410,971	980,937	41.01	.....
Total.....	4,584,871	2,051,389	2,533,482	55.26	2,897,658	1,687,213	36.80	846,269

Retirement age: (a) 60, (b) 62, (c) 65, (d) 70, (e) 70, (f) 70, (g) 62, (h) 65, (i) 70.

Mr. LODGE. Mr. President, owing to an accident, I was not here when the morning business closed. I gave notice that I should then move to take up the peace resolution. I do not want to interrupt the completion of the conference report, but if there is to be any more debate I shall have to move now to take up the peace resolution.

Mr. STERLING. I sincerely hope that we may have a vote on this conference report now. I do not know of anyone else who desires to speak upon it.

Mr. KING. I think there will be further debate.

Mr. LODGE. Then I move to take up House joint resolution 327.

#### TERMINATION OF WAR WITH GERMANY.

The VICE PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of House joint resolution 327, the peace resolution.

Mr. THOMAS. May I inquire, before the vote is taken, whether that will displace the present order of business?

Mr. LODGE. It will.

The VICE PRESIDENT. It does displace it.

On a division, the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and to insert:

That the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government and people of the United States, and making provisions

to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end: *Provided, however*, That all property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of the Government of the United States or of any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States and no disposition thereof made, except as shall specifically be hereafter provided by Congress, until such time as the German Government has, by treaty with the United States, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States, whether such persons have suffered, through the acts of the German Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, through the ownership of shares of stock in German, American, or other corporations, or otherwise, and until the German Government has given further undertakings and made provisions by treaty, to be ratified by and with the advice and consent of the Senate, for granting to persons owing permanent allegiance to the United States, most favored nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States all fines, forfeitures, penalties, and seizures imposed or made by the United States during the war, whether in respect to the property of the German Government or German nationals, and waiving any pecuniary claim based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States and Germany to the contrary notwithstanding. To these ends, and for the purpose of establishing fully friendly relations and commercial intercourse between the United States and Germany, the President is hereby requested immediately to open negotiations with the Government of Germany.

Sec. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

Sec. 3. That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States, although it has not ratified the treaty of Versailles, does not waive any of the rights, privileges, indemnities, reparations, or advantages to which it and its nationals have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof or which under the treaty of Versailles have been stipulated for its benefit as one of the principal allied and associated powers and to which it is entitled.

Sec. 4. That the joint resolution of Congress approved December 7, 1917, declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end, and the President is hereby requested immediately to open negotiations with the successor or successors of said Government for the purpose of establishing fully friendly relations and commercial intercourse between the United States and the Governments and peoples of Austria and Hungary.

Mr. McCUMBER. Mr. President—

Mr. UNDERWOOD. If the Senator will allow me, I should like to ask the senior Senator from Massachusetts, the leader on the other side, as to what debate he expects there will be on this resolution.

Mr. LODGE. It is my intention to keep the joint resolution before the Senate until it is disposed of. I think we ought to dispose of it one way or the other. I have not supposed from what I have heard that there will be very much debate. I know of only two or three speeches to be made on this side, and I gathered from what the Senator from Alabama told me that on the other side there would not be very many.

Mr. UNDERWOOD. Of course, most of the Senators on this side of the Chamber expect to resist the passage of the joint resolution on the final vote.

Mr. LODGE. I understand that.

Mr. UNDERWOOD. I know of no disposition on this side to prevent its early consideration, but there are gentlemen here who desire to adjust their own time to meet the vote and to be prepared to make speeches. I was going to ask the Senator if he would be willing to make it the order of business until disposed of and take a recess instead of having a morning hour.

Mr. LODGE. That is my intention.

Mr. UNDERWOOD. Then it will be continuously before the Senate until disposed of.

Mr. LODGE. It is my intention to keep it continuously before the Senate, and, if necessary, to sit rather longer hours. I hope that we shall be able to finish it in a few days.

Mr. UNDERWOOD. I think that will be satisfactory.

Mr. POMERENE. Mr. President, as I stated to the Senator from Massachusetts yesterday, I am obliged to be away tomorrow and possibly Thursday. I think I can arrange to be back here on Thursday. I am compelled to be absent, and I prefer that there shall not be a final disposition of the joint resolution until Friday or after that day.

Mr. LODGE. I can not make any promises. The Senator understands that it is a matter out of my control; but I should

not think that we would reach a vote before Thursday, from what I know of the intentions of Senators to speak.

Mr. McCUMBER. Mr. President, I wish but a few minutes' time to record the reasons which guide me in casting my vote against both the original House resolution and the Knox substitute and incidentally to present reasons for a substitute which, if enacted, would immediately reinstate commercial relations between this country and all other countries with which we were lately at war, leaving the settlement of all war problems—all the important as well as the delicate questions involved in the causes of the war or growing out of it—to be dealt with by a treaty of peace, either independently on our part and the enemy nations or in conjunction with our allies.

Mr. President, section 1 of the House resolution reads:

That a state of war declared to exist between the Imperial German Government and the United States by joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

The Knox substitute, reciting our resolution declaring war, provides that the said resolution "be, and the same is hereby, repealed, to take effect upon the ratification of a treaty of peace between Germany and three of the principal allied and associated powers."

Under the House resolution the repeal takes effect as of the date of the approval of the resolution. Under the Knox substitute, inasmuch as three of the principal allied and associated powers have already ratified the treaty, the peace status with this country will have retroactively been in existence since the date of the ratification by the third power.

This peace status, Mr. President, created by this resolution is not dependent on any act or consent of Germany. I want Senators to keep this in mind. When we pass this resolution we become subject to all the rules of international comity which govern a nation in times of peace. Germany is not so limited. She can base every demand she may have stored against us on our peace status declaration.

While I am opposed to the enactment of this resolution prior to the adoption of the treaty of peace between this country and our late enemies, I am unable to agree with the reasoning of those Senators who hold to the theory that Congress, which has the sole power to create a state of war, has no right or authority to discontinue that state. In enumerating the powers of Congress the Constitution reads:

Congress shall have the power to declare war, \* \* \* to raise and support armies.

While the President approved and signed this war declaration, my opinion is that it would have been just as effective without his approval. As I construe this provision of the Constitution, a declaration of war by Congress, even if disapproved by the President, would still be effective in creating a war status. Of course, under the Constitution he is Commander in Chief of the Army and Navy, and he might so command or so fail in his duty that the will of Congress might be defeated. The only remedy in such case would lie in impeachment proceedings.

So, too, while one Congress may declare a state of war, either the same or a subsequent Congress may, by refusal to make appropriations for its prosecution, nullify the purposes and effect of such declaration. I therefore can not doubt that the authority which has the sole power to create a war status, which has the unquestioned power to nullify its own acts by refusal to appropriate for its prosecution, has also the power to repeal and remove by direct action the status which it thus created.

But this is met by the contention that a state of war having been brought into existence can only be terminated by an agreement between the warring nations, and that an agreement between nations can only be consummated by treaty.

I agree that this is the only proper and expedient way of terminating war, certainly so when the enemy nation still retains its complete sovereignty and independence. But it is apparent to anyone that it is not the only means of bringing war to an end. The vanquished nation may be annexed and its contractual capacity thereby destroyed. Both parties may become exhausted and tired of the conflict, may withdraw their forces from the field of contest without any decisive action, and resume diplomatic and commercial relations without ever entering into any agreement for the settlement of either the causes of the war or the injuries which resulted from it.

On the technical question of whether, under our Constitution, we can by a law tantamount to a treaty enter into contractual relations with another Government, I shall not spend much time. I can not doubt that Congress, having the right to declare a war, having the right to refuse to vote for its continuance, can also end it by a straight declaration that a state of war which it declared to exist has ceased to exist.



Such a declaration is not a treaty. It is not a contract. In neither form does it require the consent of the other party. It is not even legislation and needs no act of approval of the President. It needs no consent on the part of the enemy Government. However, the House resolution and the Knox substitute, while not treaties, nevertheless require the signature of the President. They both enact legislation. In neither the House resolution nor the Knox substitute do we stop at the mere declaration of a status of peace. By section 3 of the House resolution Germany is commanded within 45 days to assure to the United States every right which would inure to this Government had we adopted the peace treaty. And if the German Government fails to do so it is made the duty of the President to inhibit all intercourse between this Government and its nationals and the Government or nationals of Germany, and provision is made for punishment of anyone who fails to comply with this inhibition. That is legislation pure and simple, and requires the concurrence of the Executive.

The same power and penalty are provided in the first paragraph of the Knox substitute. In both it is put up to the German Government to take positive action or suffer a positive penalty. If the German Government takes action, acquiescing in our demands, we have effectuated an international agreement without bringing into operation the methods adopted by this country and by all countries for the settlement of international questions and agreements by treaties. If we can do this, we can, of course, dispense with the treaty-making power entirely by enacting a law looking to an international agreement, which is to become effective upon the consent of the nation or nations to which the law is addressed. I am inclined to think that there is nothing in the Constitution which prevents this. I am positive, however, that from its very nature it is an inexpedient and improper method of entering into international agreements and that it is just as improper, and even more so, as a method of settling war questions.

Nor can it be urged, Mr. President, upon the ground of necessity. The only real necessity for this action is that it will permit the resumption of commercial relations between this country and Germany. But that can be accomplished by a mere repeal of the law prohibiting commercial relations and authorizing their resumption, a mere declaration that, inasmuch as there are actually no hostilities between the countries, as their armies have been withdrawn from the field of contest, all commercial relations between the two countries and their people may be resumed upon the basis of our prewar status and that all laws in conflict are repealed. Naturally I should prefer that before we resume even those relations every matter of difference should be settled by a treaty, but as that seems to be beyond our most ardent hopes, due to a spirit of political and partisan obduracy, and as the interests of both countries demand the immediate resumption of commercial relations, I would favor at this time a law repealing any statute which now exists which interferes with the free exchange of commercial commodities.

Why this roundabout method of repealing war laws? If we wish to repeal any act which we now believe should be abrogated why not do so directly? Or if we wish to repeal them all at one time, why not enumerate them and declare that they are hereby repealed? I know of no serious injury that would result from repealing all of them. On the other hand I do know that most serious complications might and probably would ensue by declaring a status of peace before we have settled the thousands of questions, the rights and liabilities that have grown out of this war.

I have introduced a substitute resolution which would meet the only disadvantage that results from the prolongation of this hiatus between war and peace. This resolution reads:

*Resolved, etc.*, That commercial relations between the United States and Germany be, and the same are hereby, resumed to the same extent and under the same limitations as though no war had existed between the said Governments, and all laws prohibiting trade and commerce between the nationals of said Governments enacted since the 6th day of April, 1917, are hereby repealed in so far as they are in conflict with this resolution.

This resolution throws wide open the gateway of commercial relations between this country and Germany and leaves the settlement of the many delicate questions of difference between the two great countries growing out of the war or out of previously existing treaties to be settled by a new treaty of peace which will safeguard our every interest. That is all the American people can hope to accomplish to-day. That would relieve the uncertainty of which the Senator from Pennsylvania complains.

I, however, realize how useless it would be to press this compromise resolution where the lines of division between the two factions in this body have been cemented by partisanship and set and hardened by time. The majority on this side of

the Chamber purpose to force the acceptance of the reservations adopted by the Senate without the change of a single word or letter.

The majority on the other side, in obedience to the will of the President, have resolved to make the League of Nations a political issue.

Mr. President, I think this administration has made many mistakes, but all will become insignificant compared with the colossal blunder of making the President's individual and autocratic stand on the League of Nations a political issue. And, partisan as I am, I confess even now a deep sense of sympathy for the humiliation that awaits a great party, which, with all its weaknesses, has subserved a great purpose in our national history.

While the people of this country by a vast majority do desire that we should, in conjunction with the other great nations of the world, take some decisive forward step to prevent a recurrence of another such useless and unprovoked calamity as this World War, and while many feel that we have been somewhat selfish, somewhat unfair to our associates in our reservations, no one believes that these reservations are inimical to American interests. On the other hand, many—very many—believe them to be necessary for our protection. And still another element of our population by no means small in number—and it matters little whether governed by prejudice against any one of our would-be associates or misled by error—is bitterly opposed to any League of Nations.

So, Mr. President, if this were the only issue, the President would stand almost alone in his determination to subvert the will of the Nation to his individual conviction on this important national question, and his party support would be confined to those few States where reverence for Democratic doctrines declared by the head of that party becomes a religious tenet.

But, Mr. President, you can not make the League of Nations the real issue in this campaign.

If the real and only issue were a league or no league, I would be greatly concerned for the success of my own party. But you can not talk world politics to a man while his house is on fire; he will be concerned only with the fire department.

The thought of the people of this country is engrossed with the perplexities that surround us now. We are this moment threatened by a thousand imminent dangers demanding our immediate attention and solution. We know that another such World War can only come to a generation as yet unborn. We reason naturally that there is abundant time to prepare against this remote danger. But to-day we are in the midst of a situation that can not be described by the simple word "unrest." We stand almost helpless while debts, national, State, municipal, and industrial, are piling mountain high. We behold the hours of idleness of our people ever increasing, production dangerously decreasing, currency becoming more and more inflated, the yoke of taxation ever growing greater and more galling, the prices of all necessities of life ever advancing. We are living in the midst of strikes and threats of strikes. We are living in imminent danger of having our industries paralyzed and the distribution of commodities on which our very lives depend stopped at any moment by lawless hands.

The very atmosphere is poisoned with socialism's infectious breath, while anarchy, fevered by hate and envy, awaits only the opportunity to work a reign of hell such as to-day is consuming agonized Russia.

Study as you may, search as you will for excuses, the American people, the thinking people, know where to lay the blame for this dire condition. The war is not the cause of this threatening situation. The American people, like the people of the greater part of Europe, to-day are the victims of the new system of purchasing political support by enacting purely class legislation. The American people are the victims of a policy of surrendering the interests of the unorganized and ineffective many to subserve the demands of the organized and effective few. The American people are the victims of a policy of utilizing the Federal Treasury to meet the demands of organized classes, no matter how exorbitant or inequitable such demands.

The whole policy of the present administration has been one of surrender to these demands. That course has been followed from the day the Executive forced the Adamson bill down the throats of a reluctant Congress to the present time. That course, followed during the war, entailed upon us a cost at least five times what the war should have cost us. A few months of the application of that policy to the operation of railways under Government control bankrupted every railroad in the United States. That policy manifested itself in the vast number of socialists and theorists with whom nearly every official place has been filled during the past four unhappy years. That policy is



manifest to-day in nearly every appointment that comes to the Senate for confirmation.

The American people, I repeat, are not blind as to the source of our troubles. They are looking forward for relief. They want to get back, as nearly as possible, to normal conditions, and their attempt will be evidenced by an overwhelming vote in the next election for a change of policies, and this will be the result, treaty or no treaty, peace resolution or no peace resolution, League of Nations or no League of Nations.

The regrettable thing is that a great measure designed for the good of the people of the whole world, and emanating, as I am sure it does, from the very best of impulses, must suffer a seeming rebuff because forced into association with most dangerous isms which must and will receive the condemnation of the American people in the coming campaign.

But it is further contended that our present status is, in fact, a peace status, and the enactment of this resolution will but confirm and make certain to the country and the world that our status is one of peace. I think the advocates of this resolution have grave doubt of their own position, because they fix the date of termination of the war in the original resolution itself. How can you terminate on a fixed date that which does not exist?

While it may be said that active war does not exist, which, of course, must be admitted, still I think that it must be admitted that a war status does still exist between this country and Germany. Let us not forget that the agreement entered into on the 11th day of November, 1918, was an armistice only; that it was limited in time in the first instance and has from time to time been extended.

Let us not forget also that the very terms of this armistice contemplated and provided for a settlement of all the war issues with each and every one of the allied powers before peaceful relations should be reestablished. That instrument speaks for itself. And while we all understood it to be the prelude to a coming peace, none of us understood it to be the actual end of the war status. Germany might breach the terms of the armistice agreement. She might refuse to accept the terms of peace which would be imposed by the Allies and thereby necessitate the immediate resumption of hostilities.

The first armistice agreement was to continue for 36 days, with option to extend. On December 13 this option was exercised and it was continued until January 17, 1919. On January 15, 1919, it was further extended until February 17, 1919. On February 16, 1919, it was further extended, but not definitely. This extension reads:

This armistice is further prolonged for a short period, the date of expiration not being given, the allied powers and those associated with them reserving to themselves the right to terminate the period on three days' notice.

How can there be a continued armistice without a war status, and what would be the result of terminating an armistice if there was no war status? How can it be terminated on three days' notice if it has been merged into a peace status?

It is evident, then, that by the terms of the armistice agreement and the further agreements—and remember the United States was a party to these further agreements—the status of war was not discontinued on November 11, 1918. It has not been discontinued since, except by those powers which have entered into final treaties of peace with Germany, and the right reserved to declare the termination of the armistice has never been surrendered by any act of this country.

Whatever rights are now exercised by our associates in Germany are exercised by virtue of the treaty of peace stipulations and not by virtue of the armistice. Whatever authority we are exercising there must be by virtue of the armistice stipulations, which continue only by virtue of a war status.

Now, Mr. President, if the armistice agreement did not ipso facto conclude the war, then any expression made by the President in the exuberance of his joy that, through his influence and pressure, the German armies were saved from utter annihilation or unconditional surrender, and this country and its associates thereby deprived of the sacred right which by rivers of blood and oceans of treasure they had earned—the right to behold the abject and unconditional surrender of militarism—any expression made by him that the war was at an end could not and did not change a word or syllable of that armistice agreement or the war status expressly continued in existence by it.

And, Mr. President, I can hardly understand the position of those who agree with me that Congress alone can declare war and also declare peace and yet predicate their conclusion that we are at peace on the bald declaration of the President to Congress that war is at an end; that the purposes for which we battled have been accomplished. The two positions are at absolute variance and are irreconcilable.

Mr. President, no one of us, as we listened to this message, understood the President's declaration that the war had come to an end as in any sense a peace proclamation.

In the face of the armistice and its terms he could not have so intended, and we could not have so understood.

I have no doubt but that we could say to Germany to-day, "Keep your armies out of the Ruhr district and comply with all the terms of the armistice, and if you fail to do so forthwith, we will continue the advance of our armies, which we stayed only on your solemn promise to keep the terms of that armistice."

Do Senators claim that we could not do this without a new declaration of war? If we proceeded, would it be a second war with Germany, or would it be the same old war?

If the President, as Commander in Chief, should represent to Congress that the German Government had broken the terms of the armistice and refused to carry them out, and should ask Congress to vote the necessary sums to enable him to continue the advance and force the enemy to keep his word, would this be a new war, or would it be the continuation of the same old war?

The Senator from Pennsylvania in his speech declares over and over again that we are actually and constructively at peace with Germany. Using his own language, he says:

First. The war is at an end by virtue of the armistice of November 11, 1918, and of the amendments and renewals thereof, such armistice being in fact a capitulation ending hostilities by the virtual surrender of the enemy.

Second. The war is at an end by the silent ceasing of hostilities, which concluded the war, in fact.

Third. The war is at an end because the Government against which we specifically declared war has ceased to exist, and the President avowed we had no quarrel with the people behind it. Since our declared enemy is nonexistent we have no one with whom to fight, hence no war.

Mr. President, if the Senator's conclusion as to the nonexistence of our enemy is correct, is he not somewhat reckless in seeking by his resolution to secure a new treaty, a new agreement with a nonexistent enemy? Again, he says:

Fourth. The war is at an end, because we, together with our associates in the hostilities, negotiated with the people whom we had been fighting, now living under a new form of government, a treaty of peace which provided in terms that the war should terminate and diplomatic relations be resumed when the treaty came into force; and because the treaty, pursuant to its provisions, did come into force in January last when it was ratified by Germany on the one hand and three of the allied and associated powers on the other hand. By virtue of the treaty and these provisions of it the whole world, including the United States, is at peace in fact and in law.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield.

Mr. POMERENE. According to the same logic, if we are at peace because the treaty has been ratified by Germany and three other powers, then it has absolutely destroyed the power of the United States Senate to join in the ratification of the treaty of peace. In other words, they have destroyed the constitutional authority of the Senate in treaty making.

Mr. McCUMBER. I was about to proceed along that line of thought.

Mr. POMERENE. I beg the Senator's pardon.

Mr. McCUMBER. Without agreeing with any of these conclusions, and I am frank to say that I can not agree with them, I have a right to ask: If we are at peace with Germany, by reason both of the nonexistence of the enemy and by the solemn provisions of a treaty which ended the war, both as to the nations signing the treaty and as to the United States, then why on earth is this solemn farce being enacted in the Senate of the United States? And why is the Senator from Pennsylvania such an earnest advocate of such a useless resolution? If we are at peace both in fact and by legal contract, then why all the fear as expressed by the Senator when he declares:

The safety and welfare of the Nation imperatively demand that we know we have peace. The whole world seethes with revolution. Our own Nation is in a ferment of turmoil. Force and strife are rampant and threaten the destruction not only of our property but of our free institutions and even of our lives.

We all admit the seriousness of the situation. But to me it is simply wonderful if all this can be cured by a simple resolution of Congress informing the people of a fact which has been in existence for 18 months, that we are not engaged in actual war. The theory of hypnotism, and even that of Christian Science itself, pales into insignificance compared with this alleged panacea for all the evils that threaten our civilization.

I think, Mr. President, I am justified in doubting both the accuracy of the diagnosis and the efficacy of this resolution as a cure for it. Our distemper is not due to a lack of knowledge as to whether or not we are in a state of war with Germany. And this resolution is not an antidote.



No one will question for a single moment that peace exists between Russia and Germany. Their peace treaty was signed in 1917. But as I gather the situation from horror-stricken Russia, in the throes of anarchy, crime, and bestiality, the mere knowledge of this peace has not in the slightest degree abated her malady. Great Britain, France, and Italy are in law, as well as in fact, at peace with Germany. Has the knowledge of this peace purged those countries of their seething unrest?

And, Mr. President, with all due respect, I do not believe that any uncertainty as to the exact status of our relation with Germany has the slightest effect on the unrest of the American people. The people of this country know that Germany can not resume hostilities. They know that there is nothing left to-day except to settle the war score with Germany diplomatically or through legislative enactment. And whatever we do, and whether we do anything or not, Germany can not continue actual war against the United States. I would think that I reflected upon the intelligence of the American people if I believed that their unrest had anything to do with a fear or anticipation of a possible resumption of hostilities. It is true that the lack of a negotiated peace or agreement with Germany necessarily must and does hamper our trade with that country. We are entitled to resume commercial relations at the earliest practicable moment. But that can be done by a simple joint resolution repealing the trading-with-the-enemy act and thereby reinstating our commercial relations. We do not need to wait until we secure a final treaty with Germany before resuming those relations. There must be other and ulterior motives and reasons for the enactment of this resolution at this time.

So far as the Senator from Pennsylvania is concerned, we recognize the fact that from the very beginning he has advocated the separation of the treaty of peace proper from the League of Nations provisions. This resolution if enacted into law would, of course, effectuate that purpose, and, from his viewpoint, is most appropriate. There are others who see a political advantage in passing a resolution which they all know will be vetoed by the President. They say it will put him in a hole. Without passing judgment on the propriety of using a great world cause for such a purpose, one may be justified in asking the question, from their standpoint, at least, Why waste all this time and energy in attempting to deepen an already bottomless hole?

If Germany is absolutely down and out, if she can not resume hostilities, then what is it that incites the fear of Senators and necessitates the immediate passage of this joint resolution? What is the danger that so darkens our skies? You say it is uncertainty; but uncertainty as to what? There can be no uncertainty as to the fact that Germany can not resume hostilities. There are no war storms brewing from the German way. I fail to see any necessity to declare a peace status until we have declared a war settlement.

The Senator says that the treaty when signed by the three associated powers and by Germany came into force as to all powers engaged in the war. To arrive at this meaning he separates one section entirely from another. Taking the last paragraph of the preamble, which reads:

From the coming into force of the present treaty the state of war will terminate. From that moment, and subject to provisions of this treaty, official relations with Germany and any of the German States will be resumed by the allied and associated powers.

The Senator therefore assumes that if the treaty comes into force between any number of the belligerents and Germany it creates a peace status between Germany and those who may refuse to subscribe to the treaty. I can not give the treaty that construction. To so hold would be tantamount, as suggested by the Senator from Ohio, to declaring that the United States, because she had associated herself with these other powers, had lost her sovereign power as a Nation and that these powers could declare a state of peace between Germany and the United States even though the United States should declare she would continue the war. But we must consider the whole treaty together, and we can not omit from it the provision—

From the date of the first process verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty. In all other respects the treaty will enter into force for each power at the date of the deposit of its ratification.

I can not imagine anything more clear and definite, and I certainly fail to grasp the argument of the Senator from Pennsylvania.

The treaty can not come into force as between us and Germany until we declare ourselves that it shall come into force. We are not a party to the Versailles treaty. We are not bound by it in any respect whatever. And yet, according to the argu-

ment of the Senator from Pennsylvania, Great Britain, France, Italy, Japan, and Germany, by agreeing upon the terms of the war settlement, created a status of peace for us without our consent and without our being made a party to the agreement.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. THOMAS. Does it not occur to the Senator that the vote against ratification cast by the Senator from Pennsylvania is wholly inconsistent with that attitude?

Mr. McCUMBER. It is inconsistent with all of our attitudes. It is inconsistent with the theory of entering into any kind of an agreement with Germany or with our allies. If his statement is correct, if his conclusion is right, we are actually and unquestionably at peace with Germany; and all we can do is to settle our troubles upon a peace basis, without those rights which come from a war status.

I can not but conclude that the war status is still in existence, and that the laws which terminate only with the termination of the war are still effective, though most, if not all, wholly unnecessary.

That does not mean that the President may with impunity exercise every power granted by those laws, powers which by their very nature were intended to apply only in case of an actual state of hostilities. For illustration: The President, as commander in chief of the armies and navies of the United States is vested with the power to surrender such armies and navies. But does any one contend that he could not be impeached for abuse of his power in thus doing? Would he be less subject to impeachment for maladministration if he should proceed to-day to raise another 4,000,000 men? Why, the very attempt would demand either his impeachment or his incarceration in a madhouse.

Now, this becomes important only in one aspect of the case, namely, in its effect on the laws which we have passed and whose provisions limit their effect to the duration of the war. There are a great many of these laws whose force and effect terminate with the termination of the war. But there is nothing in the world to prevent our terminating them even though the mere status of war continues. On the other hand, there are serious reasons why the status of war should not at this time be discontinued; and that is the important part of the subject that I now appeal to Senators to consider.

While the state of war continues we may impose any conditions and any settlement the situation demands. The moment we concede that a state of war no longer exists, that moment we have irrevocably surrendered such right. As the world is now constituted there is but one external power that can govern or control the action of an independent nation, and its authority but temporary, and that power is the sword. And, Mr. President, that authority is abrogated the moment that sword is sheathed.

The questions growing out of this war are too numerous, too important, and too far-reaching, to be swept aside by a mere formal declaration of peace. We need but one illustration to demonstrate the vast field of complicated questions that will arise between this country and Germany the moment we declare that a state of peace exists between the two nations, and that our power, war coercion, has ended. We entered into a treaty with Prussia in 1785—and the German Empire is but Prussia enlarged by accretions—which provided:

If war should arise between the two contracting parties (the United States and Prussia), the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance.

This same language was repeated in the treaty made between the United States and Prussia in 1799. Those treaties have never been revoked. It is no answer to say that these treaties were abrogated by war, because by their very terms they were to govern in the event of war. Nor is it any answer to say that through our violation of their terms they became abrogated. The violation of a contract by one of the parties thereto does not destroy its binding force. The party against whom it is violated may still elect to stand upon its provisions. Germany, throughout the war, has contended that they are still in effect and it seems to me that the contention of Germany is well founded. To be sure if Germany agrees to the demands set out in these resolutions she may waive her rights under these treaties, but her refusal to do so would not affect the first declaration of both these resolutions, that war does not exist between the countries.

Those two clauses stand absolutely independent of the other clauses and are not in any way modified by them. Germany may say it is more important to her people to decline to release

us from those old treaty obligations. If she knows the American people, and knows the situation as well as we do here, I am inclined to think that she will not be very greatly coerced by the mere power granted to the President for the severance of commercial relations. The American people will never stand for the severance of commercial relations with Germany, while every other country is free to trade with her, and Germany understands that as well as we do.

We seized nearly a billion dollars' worth of alien enemy property in the United States during this war, belonging in most part to German nationals. These nationals claim that it is worth several billions of dollars. The moment a state of peace is declared to exist, these nationals will claim that the old treaties protect them in their rights of property, and they will demand the property or damages for its retention. What defense can we make to that demand? None that will not be stamped with national discredit, the breaching of our own treaty.

So, too, a question arises as to the title to the German ships which we seized during the war. There has been no prize-court judgment whereby they have become confiscated.

Mr. President, the time to settle every one of these questions is before we declare that a status of peace exists between us and the German Empire. To-day we can say to Germany, "You can not have peace until you have released us from all claims under these treaties." With a war status extinguished that right is destroyed, and Germany can stand upon her contractual relations.

There is another reason, Mr. President, more weighty with me than these I have mentioned, why we should not adopt this singular method of effecting a peace treaty with Germany.

The question whether it is a fair and honorable method is one that addresses itself to the particular viewpoint of each individual Senator. From my view of the case it is neither honorable nor fair.

A number of Senators have taken the position throughout this discussion of the treaty that we entered this war for the accommodation of France, Great Britain, and Italy, and, having fulfilled this purpose, our duty is to at once withdraw and free ourselves from any and all responsibility in the settlement of the many complicated questions which a shattered and dismembered Europe has thrust upon the world.

If their premises are true, their conclusions are most proper. And, Mr. President, if their premises are true, then we never ought to have been in this war. But they are not true.

Dodge the question as much as you like, the highest ideals and the grandest achievements of civilization were at stake in this war. The issue was a military autocracy the world over with consequent enslavement of every weaker nation, or world democracy with human liberty.

Is there a Senator on this floor who will deny that this was the issue? Is there a Senator who will deny that a German victory would have meant European enslavement of the weaker nations? Is there a Senator who will deny that the menace of a victorious Germany would have forced every country to add enormously to its military and naval strength or be prepared to suffer the penalty of losing its independence and bearing the burden of exacting tribute?

If this be true, then this war was our war as well as the war of our allies. If this be true, then we did not enter this war for the accommodation of Great Britain, France, and Italy, and we have no more right than any of the others to shirk the responsibility for its final settlement. If this be true, then our allies fought our war just as much as we fought their war.

But, Mr. President, has the war been won? You say it has been won and we should now withdraw. I say it has not been won. If winning the war means the defeat of the things against which it was waged, then the war has not been won to-day. If it means the establishment of the thing for which it was waged, then the war has not yet been won. The German armies have been defeated on the field of battle, but German militarism has not been defeated. The spirit of militarism survives, awaiting only a stable body for its reincarnation. With an effrontery that no vanquished nation would dare venture, Germany has violated every important feature of the armistice agreement and of the Versailles treaty. Those allies upon whose shoulders we have allowed to fall the sole responsibility of enforcement of the treaty only a few days ago published to the world this declaration:

Germany has not fulfilled its engagements, neither concerning the destruction of war material, nor the decrease of its effectives, nor for the supplying of coal, nor for reparations or the cost of the armies of occupation. It has given neither satisfaction nor made excuses for criminal attacks, which several times members of the allied missions in Germany have been made the victims of.

Under the terms of the treaty Germany agreed to a reduction of her army by March 1 to 100,000. On that date she had 450,000 soldiers under arms. She agreed to a destruction of war materials. She has not complied with that agreement in any material respect. We made the armistice agreement. We, the United States, were a party to it. Germany flouts it in our face and defies us. And what are we doing about it? We are saying to France and Great Britain and Italy, "You make her comply with our agreement." That we have deserted our allies is bad enough. That we have deserted our cause, and thereby condemned it, is a thousandfold worse. The position we are placing the country in is a shameful one, and I can never support it by my vote.

Mr. President, we entered the war as coequals, and we ought to conclude the war as coequals. It can not be denied that we have assumed an entirely different rôle. I have never liked, I am free to say, the attitude of superiority which we have assumed in our relations with our allies. I have never liked the attitude of the President in using the great position he held as President of the United States to force his personal convictions upon other countries as the price of American cooperation and support. Nor have I been in harmony with the majority of the Senate in treating our allies as though they alone had been the recipients of our generous, condescending favor. This war was our war or it was not. If it was not our war, then let us apologize to Germany and get out of it just as quickly and with as little added responsibility as possible. If it was our war then we ought to treat our allies, who fought most of our war before we got into it, with decent consideration. I know that, weakened far more than we were by war, weaker in man power, in wealth, and in resources, they are in no position to do other than to accept as complacently as possible whatever we may see fit to do in the premises. Their situation, in my opinion, should appeal to our naturally chivalrous courtesy rather than to a spirit of overbearing aloofness.

For nearly four years before we got into the war our allies suffered and bled for a cause which you all claim to-day was equally our cause. Their suffering was in many instances a hundredfold greater than ours. France and Belgium met alone the first onslaught of the mighty German armies. Unprepared, Britain sent all of her first contingent of about 130,000 down to death to stem the tide. Few indeed of this first little army ever recrossed the channel. Ten or twelve thousand of her sons strew the ocean bed all the way from New York to Liverpool—sent there while protecting our ships as well as her own, guarding our contingent of soldiers as well as her own, from the ruthless U-boat.

My position is that it is dishonorable on our part to desert these faithful allies and refuse to make a treaty in common with them. I recognize that the President of the United States is more responsible than any one man for the failure to enter into a common treaty. He knew, as everyone knew, that the Senate had a right to make reservations, and, whether those reservations accorded with his views or not, no treaty could be put through the Senate without them. He should have accepted them, submitted them to our allies, and in my opinion our allies would have adopted them. I admit that the reservations adopted by the majority of the Senate bear the stamp in some instances of national selfishness. But the other powers, our allies and associates, were willing to accord to us those special rights and exemptions, confident that this Government would act justly and honorably on every matter that should come before a League of Nations. The President should have recognized the constitutional right of the Senate to differ from him in respect to the terms of the treaty, ceased his efforts to defeat this right, and sent the treaty with the Senate reservations to the other powers. By his refusal to do this he defeated the very cause for which he had battled so valiantly during all this time, and has wronged a generous and expectant world.

Again, our allies in the treaty they made with Germany insisted that Germany should concede to the United States every right conceded to them. We refused to join with our allies in consummating this agreement. We now turn squarely around and by these resolutions say that we shall insist upon every right which we would have received had we been a party to the Versailles treaty. We ask for all the benefits of this treaty, but we will not join with our allies in the treaty. To my mind that is most discourteous treatment. Our attitude is like that of a pampered, spoiled child. Not only this, but while we seek to compel Germany, by these resolutions, to assure us all of the benefits and all of the rights which would accrue to us were we a party to the Versailles treaty, we decline to accept



any of the responsibilities of that treaty. To my mind that is a piece of selfishness that does not accord with a high sense of international justice and fairness.

Again, our allies by the treaty which they consummated required Germany to comply with her obligations toward the United States. By this agreement we seek to compel Germany to perform the obligations of that treaty with Germany so far as they pertain to us, but relieve her, so far as we are concerned, from performing any of her obligations to our allies. No argument, Mr. President, no matter how cunningly devised or eloquently presented, can hide the deformity of national selfishness and discourtesy involved in this course. For this reason I shall be compelled to vote against both the House resolution and the Knox substitute.

During the delivery of Mr. McCUMBER's speech,

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. LODGE. I move to lay aside the unfinished business and that the Senate proceed with the consideration of House joint resolution 327.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of House joint resolution 327.

The motion was agreed to.

After the conclusion of Mr. McCUMBER's speech,

Mr. CURTIS. I understand there are several Senators who intend to speak upon the joint resolution, but they are not ready to do so at this time. Several of them have asked that the joint resolution may go over until to-morrow. I have just sent for the Senator from Massachusetts [Mr. LODGE]. As he is not here, I ask unanimous consent that the joint resolution be temporarily laid aside, with the understanding that the shipping bill will be taken up at this time.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the joint resolution be temporarily laid aside.

Mr. UNDERWOOD. I should like to see the pending joint resolution disposed of at as early a day as possible, but as it has just come up to-day and several Senators who desire to address the Senate on the subject will not be prepared to do so before to-morrow, I think it is entirely proper to lay it aside until to-morrow, with the understanding that this evening we shall take a recess, so that it may come up at 12 o'clock to-morrow.

Mr. CURTIS. It is the understanding that there shall be a recess taken this evening.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent submitted by the Senator from Kansas? The Chair hears none, and the joint resolution is temporarily laid aside.

#### THE MERCHANT MARINE.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed to the consideration of House bill 10378.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

Mr. JONES of Washington. Yesterday we had reached page 19, section 17. I think there are several Senators who would like to have that section passed over until to-morrow. So I will ask that it may be passed over until that time.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent that section 17 shall be passed over until to-morrow. Without objection, it will be passed over until to-morrow.

Mr. McKELLAR. Mr. President, I am compelled to attend a meeting of the Postal Commission and I ask unanimous consent to turn back to page 9, line 14, for the purpose of offering an amendment at that point.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent to recur to page 9, line 14, for the purpose of offering an amendment. Is there objection? The Chair hears none. The amendment will be stated.

The READING CLERK. In section 6, page 9, line 14, after the word "do" insert:

and if the board, by an affirmative vote of not less than five of its members, spread upon the minutes of the board, so determines.

So as to read:

That the board is authorized and empowered, if unable to sell to American citizens after diligent effort so to do, and if the board, by an affirmative vote of not less than five of its members, spread upon the minutes of the board, so determines, to sell to aliens at such prices and on such terms and conditions as it may determine, except that payment therefor shall be completed within 10 years, such vessels having a dead-weight tonnage of not exceeding 6,000 tons, unless such vessels are over 10 years of age, as it shall, after careful investigation, deem unnecessary to the promotion and maintenance of an efficient American merchant marine, and it shall make as a part of its records a full statement of its reasons for making such sale.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 19, after line 18, to insert:

SEC. 18. That section 9 of the "shipping act, 1916," is amended to read as follows:

"SEC. 9. That any vessel purchased, chartered, or leased from the board, by persons who are citizens of the United States, may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this act, and vessels owned by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this act, may engage in the coastwise trade of the United States while owned, leased, or chartered by such a person.

Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

"It shall be unlawful to charter, sell, transfer, or mortgage any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, or to put the same under a foreign registry or flag, without first obtaining the board's approval, and in giving its consent to the sale of privately owned vessels documented under the laws of the United States to aliens, the board shall, so far as it deems wise, require the proceeds of such sales to be invested and used in the construction in shipyards in the United States of other vessels of a superior type to be operated under the flag of the United States: *Provided*, That the board may make provision for trip charters to aliens.

"Any vessel chartered, sold, transferred, or mortgaged to an alien or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 21, after line 11, to insert:

SEC. 19. That the board, as soon as practicable after the enactment of this act and from time to time thereafter, is authorized and directed to determine what apprentices should be carried upon vessels documented under the laws of the United States and to prescribe the duties, compensation, and conditions of employment of such apprentices and to make rules and regulations requiring such apprentices to be carried on the vessels of the board, on vessels sold by it, and on vessels having contracts for the carrying of the mails, and the board is directed to submit to Congress from time to time its recommendations for additional legislation to make available a sufficient number of officers and able seamen who are citizens of the United States to officer and man the merchant marine of the United States to such an extent as it may deem desirable: *Provided*, That nothing in this act shall be construed to impair any existing power or authority of the board to organize or maintain its recruiting service.

Mr. KING. Mr. President, directing attention to the section just read, I inquire for information of the Senator from Washington whether it is the purpose of this section to permit the Shipping Board to determine the number of apprentices that private owners of vessels may employ in and about their boats or whether it is only directed to those boats that are under the control of the board?

Mr. JONES of Washington. If the Senator will notice the language, he will see that the first provision is merely advisory as to what apprentices should be carried by ships which are owned by private parties; it is merely a recommendation. We hardly felt that we ought to go so far as to determine the matter as to private owners; but with reference to ships of the board or ships with which contracts are made for carrying the mails, they may require apprentices to be carried.

Mr. KING. I ask the Senator whether or not the interpretation which he places upon the words which are found in lines 13 and 14 is quite accurate. The language is:

SEC. 19. That the board, as soon as practicable after the enactment of this act and from time to time thereafter, is authorized and directed to determine what apprentices should be carried upon vessels documented under the laws of the United States and to prescribe the duties, compensation, and conditions of employment of such apprentices and to make rules and regulations—

And so on.

Mr. JONES of Washington. There is nothing, I think, that gives the board the power to require shipowners to carry ap-

prentices, but the board may simply determine what apprentices, in their judgment, should be carried; and if they are carried the board may also prescribe the duties and compensation and conditions under which they shall be carried. The Senator will notice the following language:

And to make rules and regulations requiring such apprentices to be carried on the vessels of the board.

If the Senator has any doubt in reference to the matter, I will say to him that it was not the intention of the committee to give the Shipping Board the power to require private owners of ships to carry apprentices.

Mr. KING. I inquire of the Senator whether or not he thinks it would be wise to authorize a Federal agency to go as far as the bill indicates with respect to private concerns? Might not Congress with as much propriety provide that the Interstate Commerce Commission shall determine the number of apprentices that shall actually be employed by the various workshops and engine shops and boiler shops of the various private corporations of the United States, particularly those engaged in transportation? It seems to me that if we authorize and direct the Shipping Board to make this investigation and this determination, we are projecting them into the private activities of individuals who are engaged in the operation of boats, and are laying the foundation for a demand, which I believe will persistently be made if we enact this legislation in this form, that some board of the Federal Government shall be authorized and directed to prescribe how many employees the farmers shall have, how many apprentices there shall be in the mills and in the factories, and how many employees shall be in the various private concerns of the people of the United States. I am not sure that this is legislation which the Senate or the committee desire.

Mr. JONES of Washington. Mr. President, the Senator from Utah will probably find several provisions in the bill that look to going further than he would like to see us go, and we do go further in many matters in this bill than I should like to see us go and further than I would favor in general lines of industry; but we are confronted in connection with the merchant marine with a peculiar situation and a peculiar problem. It is different from any other problem that we have.

When the war broke out we did not have a merchant marine; apparently we were unable to develop one. We now have a great many ships, but we have not our merchant marine established on a proper basis; we have not the routes established and the business developed and the business facilities developed. We had during the war to develop the seamen and to develop the officers for the ships. We had to open training schools and to have intensive training along that line in order to secure the officers and seamen to man our ships. We are lamentably short of American material for this purpose now. Some time ago an order was issued suspending the law prohibiting the employment of foreign officers in connection with our ships. We had to do that in order to get officers to man the ships during the war. That order has now been rescinded, but with our large number of ships we are taxed very greatly to get proper American officers and American seamen for them. The purpose of this provision is to develop along that line. I believe it is necessary.

With reference to requiring present private owners of ships to have apprentices, who would begin at the bottom and grow up and develop a capacity for performing the duties of able seamen or the duties of officers on ships, we felt that we should not go so far as to give the power to the Shipping Board to require the present shipowners to take apprentices on board; but we did think it wise that the Shipping Board, which is invested with the peculiar responsibility of developing an American merchant marine in competition, not among ourselves but in competition with foreign owners and foreign shipping and foreign agencies and foreign countries, with all the aid that they give to their shipping, should be given the right to suggest at any rate and recommend to private owners the apprentices it was deemed wise they should carry in order to develop proper seamen and proper officers.

I want to say to the Senator that in the hearings many of the shipping operators were heartily in favor of a policy of this kind. There has not come a single objection to the committee with reference to that provision, and I doubt if there would have been any objection on the part of our ship operators to positive authority being conferred on the Shipping Board to require them to carry a certain number of apprentices.

Mr. LENROOT. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES of Washington. I yield.

Mr. LENROOT. Will not the Senator from Washington discuss what he deems the basis of our authority for imposing any such requirement?

Mr. JONES of Washington. We have not imposed the requirement. We doubted whether we had the authority to impose such a limitation upon private operators now.

Mr. LENROOT. We can not delegate to a subordinate body the power to require unless we ourselves have the power to require.

Mr. JONES of Washington. That is true.

Mr. LENROOT. But this provision does delegate to a subordinate body the power to require.

Mr. JONES of Washington. It does not delegate to the board the power to require except with reference to ships which are under the control of the Shipping Board.

Mr. LENROOT. The language reads:

To make rules and regulations requiring such apprentices to be carried on the vessels of the board, on vessels sold by it, and on vessels having contracts for the carrying of the mails.

Mr. JONES of Washington. Yes; under this bill we provide that the Shipping Board and the Postmaster General shall agree as to the compensation for carrying the mails. As a part of such contract and as a part of the contract for the sale of ships the Shipping Board could impose such a requirement.

Mr. LENROOT. Exactly; but that is not this language. If a ship were sold last month by the Shipping Board or else should be sold next month without any provision in the contract concerning apprentices, nevertheless, under this language, the board would have the power to require the owner of that ship to carry so many apprentices. I do not see on what basis such an authority can rest. It seems to me the only basis upon which it could rest would be a contractual relation in the case of ships other than those owned by the board.

Mr. JONES of Washington. Mr. President, the power of Congress to make provision for the building up of a merchant marine, I believe, is very broad. In my opinion, we can take practically any step that we deem to be wise and necessary in connection with the building up of an American merchant marine, and in carrying out that policy I think we can delegate the necessary authority to an administrative agency, laying down the lines which we would like to have followed and the purpose we would like to have subserved. The purpose the committee had in recommending this section was to assist in the development, as I have said, of seamen and men competent to become officers on American ships. If we have not the authority to act along the line specified in this section, then we are greatly hampered in trying to build up an American merchant marine in competition with foreign countries.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. I yield.

Mr. KING. Would the Senator have any objection to passing over this section until to-morrow? I shall offer an amendment to the section, and, indeed, may redraft the lines to which I have referred in conformity with the views which I have indirectly expressed.

Mr. JONES of Washington. Very well; if the Senator would like to have the section passed over, I will make no objection.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the pending amendment be passed over. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 22, after line 3, to insert:

Sec. 20. That the board is authorized and directed in aid of the accomplishment of the purposes of this act to make rules and regulations to carry into effect the provisions of this act, and to make and to change at will such rules and regulations relating to vessels and foreign and coastwise shipping, not in conflict with existing law, as will adjust or meet general or special conditions unfavorable to such shipping, whether in any particular trade or upon any particular route or in commerce generally and arising out of or resulting from foreign laws, regulations, or rules or from competitive methods or practices employed by owners, operators, agents, or masters of vessels under a foreign flag, and existing rules or regulations affecting foreign or coastwise shipping or trade, other than those relating to the Public Health and the Steamboat-Inspection Service, heretofore issued by any Government department, bureau, or agency may be suspended, modified, or annulled upon request of the board; and no rule or regulation affecting foreign or coastwise shipping or trade, except those affecting the Public Health and the Steamboat-Inspection Service, shall hereafter be issued or promulgated by any department, bureau, or agency of the United States unless and until the same shall be approved by the board; and no rule or regulation shall be issued by the board favoring in any way vessels owned by the United States over vessels privately owned and documented under the laws of the United States: *Provided*, That in case of a disagreement between the board and the head of any department, bureau, or agency over the suspension, modification, or annulment of rules and regulations heretofore issued by such depart-



ment, bureau, or agency, or over the issuance or promulgation of rules and regulations hereafter made, such disagreement shall be submitted to the President and action taken in accord with his decision thereon.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to insert:

SEC. 21. That whenever the board shall have satisfactory reason to believe that any person owning or operating a vessel under a foreign flag has violated any of the provisions of sections 14 or 16 of the "shipping act, 1916," it is hereby authorized to issue an order to that effect and notify the Secretary of Commerce thereof, and thereafter no vessel in which such person, or in case such person is a firm, association, or corporation, any member or director thereof, has any interest, and no vessel operated by or belonging to any affiliated person shall be permitted to enter any of the ports of the United States until the board is convinced that such practices have been abandoned and issues an order declaring such to be the case and notifies the Secretary of Commerce thereof.

Mr. CALDER. Mr. President, I have had some objection raised to this section of the bill on the theory that it constitutes the board the judge and the jury, the complainant and everything else, and that under the language of the section the board might act in a way that would be injurious not only to the offending shipowner but to the merchants who carry freight on the particular line offending. What is the view of the chairman of the committee about that?

Mr. JONES of Washington. I can not conceive that the Senator has had any complaints from Americans or American shippers. This is aimed solely at foreign shippers, and it is in line with the provision of the present shipping act. Section 36 of the present shipping act, which has been in force since 1916, reads as follows:

The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port whenever he shall have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refuses or declines to accept or receive freight or cargo in good condition tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor, by any citizen of the United States, unless the same is fully laden and has no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle, or unless such freight or cargo consists of merchandise for which such vessel or vehicle is not adaptable.

In other words, it gives to the Secretary the power to judge as to whether or not the shipowner has complied with the law and is doing the fair thing.

Under the shipping act of 1916 we have certain provisions—section 15 and section 16—covering common carriers, and prohibiting them from giving rebates or preferences, or practicing unjust discriminations against shippers, and so forth. It punishes them for it, but we have no jurisdiction over them; we can not get at them except in this method. The Secretary of Commerce had a case like this just a short time ago. He found a case where, in one country, the foreign ship operators were threatening shippers that if they shipped their goods by American vessels they would refuse them accommodations. He was trying to find whether we had any way by which we could prevent anything of that sort, and, so far as I am advised, he has not been able to find it.

This is to meet situations like that. It is a drastic provision, but I think it is one of the most important provisions of this bill for the proper consideration to be given by foreign ship-owners and ship operators who want to enter our ports in their dealings with our people and with those who want to trade with us.

I have been cited to several cases where, for instance, in South America, shippers wanted to send goods up to this country by American ships, and they were threatened by foreign operators who had been carrying products to them that if they did that they need expect no further consideration from them. We can afford to take rather drastic measures to meet a situation like that.

Mr. CALDER. Mr. President, I was anxious to have the chairman's explanation appear in the RECORD. I have had several communications on this subject from people interested in shipping, and I venture the statement that in the main they are from those interested, perhaps, in foreign lines that go to and from our ports. They insist that in the past people have been entitled to a trial in a United States court when they were accused of violating regulations concerning our ocean traffic. Of course, this section is aimed at foreign shipping, but the only thing in the section that concerns me as far as our owners are concerned is whether or not other countries might retaliate against us for this. Does the chairman know whether there is anything of the same character in the English law, or in the French law, or in the Italian law, or in the laws of other great shipping powers?

Mr. JONES of Washington. I do not know whether there is or not; but what ground would any foreign country have for retaliating against us for trying to prevent unfair practices

against our people? They would confess by that very act that their people were guilty of these very practices; and I take it they would not put themselves in that position. All they have to do is to show that they have been acting fairly and not doing these things that our law prohibits for the protection of our people.

Mr. CALDER. The contention of those who complain is that under this section the board may be the complainant and the judge and the jury, and that they are put in an unfair position as against American shipping, and they think that is unjust.

I am not going to move to amend the section, because it is in the interest of American shipping, pure and simple; but I felt disposed to call the attention of the Senate to this section, so that Senators would understand how drastic it was, and how perhaps it might involve us in some difficulty with our British friends, or with some other country.

Mr. KING. I invite the attention of the Senator having this bill in charge to section 21, which reads:

That whenever the board shall have satisfactory reason to believe that any person owning or operating a vessel under a foreign flag has violated any of the provisions of sections 14 or 16 of the "shipping act, 1916," it is hereby authorized to issue an order to that effect and notify the Secretary of Commerce thereof, and thereafter no vessel in which such person, or in case such person is a firm, association, or corporation, any member or director thereof, has any interest, and no vessel operated by or belonging to any affiliated person shall be permitted to enter any of the ports of the United States until the board is convinced that such practices have been abandoned and issues an order declaring such to be the case and notifies the Secretary of Commerce thereof.

Does not the Senator think that perhaps an injustice may be done if the provision to which I have called attention is literally adhered to? It would seem to be purely *ex parte*. It would seem to deny to the person owning or operating a vessel under a foreign flag a chance to be heard, to have his day in court. It would occur to me that the policy is entirely proper providing the section is violated, but some reasonable opportunity to be heard ought to be given to the person so charged.

Mr. JONES of Washington. Mr. President, I have not any doubt but that the Shipping Board will make rules and regulations under which they will prescribe their procedure in a case of this kind. I do not think we ought to assume that they are apt to act arbitrarily in these matters. We give them authority to make rules and regulations to carry out the provisions of this act. I assume that they will do that, and that they will provide a way by which, upon a complaint being made, either on their own motion or otherwise, the party will have an opportunity to be heard.

I want to say, however, that I am assuming that our administrative agencies will act judiciously, fairly, and wisely. It may be a violent assumption, but we can not pass legislation upon any other assumption and expect good results. We can not pass legislation of this character, and to accomplish the purposes sought to be accomplished by this bill, if we are going to assume that our agents are not going to act properly; nor can we accomplish the purposes of this bill if we are very solicitous about our competitors.

I want to say that I am working for this bill, and have tried to get it framed in such a way that it will give us every possible advantage that we can get, without, of course, acting unjustly or unfairly. We will not have any consideration from our competitors. They are not going to be punctilious about treating our shippers and our ship operators fairly and justly, and giving them every possible chance to maintain themselves. On the contrary, they are going to do just what I stated a while ago: They are going to coerce people who want to trade with us to ship with them, and the purpose of this section is to prevent it.

As I said, I believe the Shipping Board will give these people an opportunity to be heard; but I followed the same principle in this matter that we followed in the act of 1916, where we gave the Secretary of the Treasury broad power, and we did not require him to give anybody hearings.

Mr. KING. Mr. President, the fact that we have legislation now that denies a person the right to be heard would not influence me in supporting similar legislation in this or any other bill. A bad precedent ought never to be followed, and ought not to be cited as justification for further legislation.

I am in entire sympathy with the purposes of the Senator. It is important that we should have a broad and comprehensive act dealing with this very important subject, one so vital to American interests and to the commercial prosperity and development of our country; but no matter how important a measure may be, we can not afford to incorporate within it provisions that may do an injustice, even to aliens, or those who may be carrying commerce under an alien flag.

I think I would be as punctilious in preserving the rights of a foreigner where there are dealings between nations, as there must be, as I would be in preserving the rights of Americans. That is to say, I would afford a full and fair opportunity for a foreigner to have his rights determined, and I would not act in a summary way in dealing with foreigners any more than I would act in a summary way in dealing with the rights of American citizens.

Mr. JONES of Washington. May I ask the Senator if it would meet his idea to insert, after the word "authorized," in line 16, the words "after due hearing"?

Mr. KING. Yes; that is entirely satisfactory.

Mr. JONES of Washington. Very well. That will be entirely satisfactory to me, and I offer that amendment, so that it will read "is hereby authorized, after due opportunity to be heard."

Mr. KING. Yes.

The PRESIDING OFFICER. The amendment of the Senator from Washington [Mr. JONES] to the amendment will be stated.

The ASSISTANT SECRETARY. On page 23, line 16, after the word "authorized," insert the words "after due opportunity to be heard," so that the clause will read:

It is hereby authorized after due opportunity to be heard to issue an order to that effect and notify the Secretary of Commerce thereof, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendments were, beginning with line 1, on page 24, to insert the following as additional sections:

Sec. 22. That the board shall ascertain and determine the need for vessels between the ocean terminal of the Government railroad in Alaska and Pacific and other ports, and if suitable and satisfactory arrangements can not be perfected to meet such need through vessels privately owned and operated the board is directed to furnish suitable service until it can be taken over and supplied by private capital and enterprise;

Sec. 23. That from and after one year from the enactment of this act the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established within a year the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor.

Mr. JONES of Washington. The Senator from New Jersey [Mr. EDGE] is interested in section 22, and he has an amendment which he desires to offer to it. I think he is also interested in section 23. I ask that those two sections go over.

The PRESIDING OFFICER. Without objection, sections 22 and 23 will be passed over for the present. The Chair hears no objection.

Mr. THOMAS. Mr. President, section 23 was the subject of a most interesting discussion yesterday afternoon, participated in by the junior Senator from New Jersey [Mr. EDGE], the senior Senator from Minnesota [Mr. NELSON], and the Senator having charge of the bill. The proposition covered by that section is, in my opinion, one of the most important features of the bill, if not the most important. It provides:

That from and after one year from the enactment of this act the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise—

And so forth.

By that section the coastwise laws will be extended so as to embrace the Philippines and such other outlying dependencies or possessions of the United States as may be hereafter included in the lines of sea traffic. It not only establishes a complete monopoly for American lines between the Philippines and other American dependencies and a continental United States but in its operation it will preclude the possibility of travel and freight transportation between those countries and the continental United States in other than American bottoms.

The argument offered by the Senator in charge of the bill in support of this measure was a most powerful one, and, in my opinion, exhausted everything to be said in favor of it. From his standpoint, assuming the correctness of his premises, it is unanswerable; but I am unable to accept the proposition that the extension of the coastwise laws of the United States to the seagoing traffic of the world, whether confined to points within the jurisdiction of the United States or otherwise, will lead to

those things which are essential to the permanent reestablishment of the American flag upon the seagoing lanes of international commerce. I have never been satisfied with the arguments so many times presented to support the monopoly which our coastwise laws have constructed, which has delivered the coastwise seagoing traffic into the hands of a few great concerns.

I know the old argument—and it is almost as old as navigation—that unless the commerce of a country is confined to the bottoms sailing under the ensign of that country it can not hope to establish itself among the carrier nations of the world, and that in the enactment of our coastwise laws and in their present proposed extension we are merely availing ourselves of the experiences of other countries through centuries of time, and we are doing the only thing that is possible to retain the traffic and prevent its falling into foreign hands.

Even if that were so, Mr. President, I should doubt the wisdom of the policy. But it is not so, if I read the history of navigation aright. It is true, as the Senator said yesterday, that throughout the eighteenth century and later the British Government prohibited all carriage between its colonies and England except by English bottoms, and carried that restriction so far as to virtually exclude the marine of its dependencies.

Some say, as the Senator from Washington intimated yesterday, that it is due to such a policy that Great Britain obtained the carrying of the world. But England abandoned that policy years ago, because it discovered that the restrictions imposed upon other nations and upon the commerce of the other nations necessarily provoked retaliation and resentment and, in one instance, successful revolution; and, following the course of a wisdom ripened by experience, she not only abandoned that policy but threw her home ports wide open to the ships of the world, in consequence of which her coastwise traffic increased, the home vessels engaged in it prospered, and the general position of Great Britain among the carrying nations was greatly strengthened.

Mr. SMITH of South Carolina. That was after she had established her trade.

Mr. THOMAS. No; it was done while her trade was being established.

Mr. KING. She had but little trade at that time measured by what she had later.

Mr. THOMAS. Her colonial policy, unless I am grossly misinformed, was changed because of the conviction of her statesmen that it was not only unwise and impolitic, but injurious as well. One of the grievances of the American colonies against Great Britain was based upon her exclusion of American bottoms from the West Indian trade, and from the carrying trade with Great Britain herself. One of the complaints outlined in the Declaration of Independence as a justification for the cause of which that immortal document is the exponent, was the destruction of our trade, and that destruction was due to the discriminations placed by acts of Parliament upon the carrying resources of the American colonies.

But independently of the question whether or not the policy was an unwise one—and I think if it ever was justified by any conditions those conditions have disappeared—and assuming that the coastwise laws of the United States will remain in force, as I have no doubt they will for many years, I am unable to perceive how the adoption of that policy even tends to promote the American carrying trade between the different countries of the world.

An illustration given by the Senator from Washington for the need of such legislation is the practice of a Canadian ship company, plying between Seattle and Vancouver, and between Vancouver and Alaskan ports. The complaint is that the coastwise laws are evaded by the practice of selling tickets by way of Vancouver between Seattle and Alaskan ports, the practice being to sell a ticket to Vancouver, followed by a transfer to another vessel, which carries the passenger to his ultimate destination. That is an evasion of the spirit of the coastwise law.

But, Mr. President, I do not see how evasions will be prevented by legislation of the most drastic character. If I want to go from Seattle to Alaska by way of Vancouver, I know of no power that can prevent me from doing so, and I know of no power that can prevent the operation of the economic laws governing business transactions which can prevent it. If it can be done more cheaply than to patronize an American vessel which will give a straight voyage between the two points, advantage will be taken of that fact, and all the legislation in Christendom can not prevent it.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator?



Mr. THOMAS. I yield.

Mr. JONES of Washington. I recognize the truth of what the Senator says on that point. If I am going from Seattle to Skagway, and want to go to Vancouver and then take a British ship from there on, there is not a thing to prevent it. We recognize that in the bill. It is not this coastwise provision which covers that situation. We have another provision in the bill, aside from this coastwise proposition relating to the Philippines, which makes it an offense to sell a ticket for carriage in that way in this country. Of course, the Canadians can have their agencies at Vancouver. I can buy a ticket at Seattle to Vancouver, and then at Vancouver they can sell me a ticket on to Skagway; and we do not attempt to prevent that. By another provision in the bill I think we would prevent an evasion of the law. That is really the purpose. It is not with the hope that we may change that trade entirely, although I am inclined to think it will have considerable to do with that; but it will prevent a palpable evasion of our law.

Mr. THOMAS. That may be, Mr. President, and I have no doubt at all but it will increase the practice by methods which will evade the law, just as British restrictions in days past upon its carrying trade with its own colonies were the subject of constant and perpetual evasion, the governing motive always being one of gain.

Personally I would much prefer, if I had to make a trip to Skagway, to patronize a vessel of my own country, and that independent of my opinion of the tyranny and injustice of the coastwise laws. But in legislation of this kind, as the Senator from Washington very well said, we must always bear in mind the main object to be accomplished, and that is the reinstatement of lines of transportation sailing under the American flag and tending to revive our supremacy upon the sea.

If we are to include the Philippines in this system of laws, it must follow that the statutes providing penalties for palpable evasions of the law will necessarily apply to that branch of the so-called coastwise traffic covering a straight voyage of 10,000 miles in length, and subject, of course, to that element of competition to which I have already referred and which will be brought into activity if the dimensions of the Philippine carrying trade are sufficiently great to arouse it.

Under the provision of the bill to which the Senator refers I imagine that a Filipino desiring to come to the United States would be prevented from buying a ticket upon a line that would first touch at Shanghai or Nagasaki or at any other point between the point of embarkation and the point of destination.

Mr. JONES of Washington. No; Mr. President, if I understand the Senator correctly, that would not be done. There is nothing in the bill which would prevent a person from buying a ticket from Manila to Yokohama or Hongkong or any of those places and then buying a ticket from there to any port in the United States.

Mr. THOMAS. I understand that, but one can not, under the operation of the law, buy a ticket from Manila to San Francisco by way of those places.

Mr. JONES of Washington. In a foreign ship?

Mr. THOMAS. Yes; in a foreign ship.

Mr. JONES of Washington. No.

Mr. THOMAS. Exactly. Then I am right in my contention that the same restrictions will necessarily be placed upon oriental travel to the Philippines and from the Philippines which will be placed upon coastwise travel between Seattle and Skagway. I do not believe that such a provision, which, disguise it as we may, bears upon overseas traffic, will tend to inspire confidence in or give popularity to these newly established American lines.

Something was said about encouraging the relations between the Filipinos and this country, that it would serve to bind us more closely together; that it would be a recognition of the importance of their trade, and would go a great way toward continuing the present cordial relations which exist between the two peoples. But if I wanted to accomplish that my first step would be to abolish the tariff restrictions which we have imposed upon practically all the goods and articles of merchandise which the Filipinos are capable of sending to us.

The Senator from Minnesota [Mr. NELSON] referred to the statement which he said he heard in committee that such a line would give us the benefit of the annual output of Philippine sugar; but in the act of 1913, and before that, in the Payne-Aldrich Act, that was precisely what we did not want, and, as a consequence, the amount of Philippine sugar permitted to come to this country was limited to a certain tonnage. If my memory does not betray me, that is the law at present. How, then, with the existence of such restrictive trade regulations, can the question of transportation in any manner serve to increase the cordial relations between the two countries?

It is true that in many instances ships now sailing under the American flag are unable to obtain return cargoes, but that situation will neither be helped nor hurt by establishing a coastwise American traffic between the Philippines and the United States. That indicates very clearly the basic difficulty which Americans must recognize and overcome before they can establish a new merchant marine. They must provide, as other nations have provided, for return cargoes, and they can be secured by offering the necessary inducements by working up foreign trade, by copying the example of Germany and having American agents in every port where business is to be obtained, by beating Great Britain, Japan, and Norway at their own game.

The superiority of our merchandise, advantages in manufacturing cheaper goods, excellence in packing and transportation, plus furnishing an American market for the goods to be imported into this country, will alone give us our share of ocean-bound traffic. All the legislation which the ingenuity of man can devise will, in the absence of arrangements to overcome these difficulties, prove utterly powerless in diverting ocean-bound traffic from the present established lines to American bottoms.

We can have the best and fastest ships in the world, we can have the most experienced crews that training and experience can give, we can surpass Great Britain and Japan in every particular, so far as our ships and facilities go, and our purpose will fail inevitably unless we pay attention to these homelier but all-essential requirements and overcome these existing obstructions by a campaign of business, intelligently constructed and ably conducted, in Australia, in South America, in Africa, in Asia—aye, and in Great Britain, France, and Germany.

When Germany entered the race for commercial supremacy she began a system of shipbuilding. Coincident with that plan she educated many of her merchants in the languages of various countries, trained them as business men and turned them loose in ports and amid populations theretofore paying almost exclusive tribute to Great Britain. At the end of 20 or 25 years she had not only made an impression upon that commerce, but she had received, relative to tonnage, more than her share of it.

We can do the same thing, and unless we do the same thing all our present rosy dreams of a merchant marine worthy of this great Nation and devoted to the transportation of all articles, or nearly all of them, entering into international traffic, will prove in the end nothing but dreams. Hence I question very seriously the wisdom, to say nothing of the justice, of throwing our coastwise laws at one stroke of the legislative pen 10,000 miles across the Pacific Ocean, and I am just as sure that it will provoke retaliation and disappoint the hopes of all its advocates in its practical operation if it is permitted to stay in the bill.

International trade consists of an exchange of goods, disguise it as we may. There is not gold enough in the world, and never will be, to satisfy trade balances between the nations, and if they could be so satisfied it would be unwise, since it would consist of a constant disturbance of the financial balance which gold, as the basis of all value, can alone sustain if its situs is to be shifted with the changing balance of trade between the great manufacturing nations of the world and their customers.

No; it is only that which remains after imports and exports shall have been determined and their relation to each other that any other than goods or merchandise are or should be called upon to meet the demands of nations against each other.

Unless we prosecute the establishment of these lines with the coestablishment of commercial agencies equipped with power and capacity to secure an exchange of commodities, many instances like that cited by the Senator from Washington as occurring in Australia a few days ago will not only appear but will be multiplied to such a degree as to discourage the investment of private American capital in these newly established lines.

I had occasion the other day to refer to the inability of two American ships at Marseille to secure return cargoes, for which my very genial friend, the Senator from Washington, is in some degree responsible, because the only cargoes that were available were French wines, and, of course, under the provisions of the Volstead law and the eighteenth amendment to the Constitution of the United States that sort of merchandise has become contraband.

I read also of an American vessel taking a cargo to one of the ports in Portuguese South Africa which could not obtain a return cargo, owing to the fact that the British line and those behind it had long before them secured a practical monopoly of the trade of that port. That is not surprising.

The Senator said yesterday, and it is eternally true, that Great Britain does not propose to surrender a jot or tittle of the hold which she has over the transportation affairs of the world; neither did she propose to surrender anything to Germany nor to Japan nor to Norway, those nations before the war being her great competitors for ocean-bound traffic; but she could not resist, with all her power and influence, the application of those commercial principles which lie behind business success, both private and national.

I do not mean to say, Mr. President, that the Shipping Board will not establish these agencies or take due note of these conditions; I do not mean for a moment to imply that they have not long ago occurred to the Senator from Washington, who, as chairman of the Committee on Commerce, has attended to the discharge of his duties with an industry and ability that should commend him to the entire Nation; but I do object to magnifying a physical condition into the proportions which seem to be assumed as the basis for the existence of certain provisions in this bill.

As regards the Philippines, Mr. President, it is perhaps pertinent to question whether they should still be considered as an American possession. We are trying to give them self-government; they expect to enjoy complete independence of the United States in the course of a comparatively few years, and we are constantly justifying that anticipation. I should like to see them emancipated to-morrow, if it were possible; I hope their emancipation will not be delayed one instant beyond that period of time when it seems safe to make the experiment. No greater mistake in statesmanship was ever made in the United States than was made when, in a moment of misguided judgment, we acquired possession of the Philippine Islands, thereby changing our entire policy and dealing a blow to the operation of the Monroe doctrine, from which it has never recovered.

A great many Senators and quite a considerable proportion of the American people are apprehensive, and perhaps justly so, of the constantly increasing power and ambition of the Japanese Empire. I am not one of those, Mr. President, who for a moment entertain the possibility of conflict between that great people and our own, but we can not avoid the conviction that that general, indefinable feeling of apprehension which the nations of the world, including ourselves, entertained toward Germany prior to August, 1914, still exists with a shifting merely of the object which has aroused it and toward which it is directed. If, in the providence of God, there is stored away in the events of the future a collision between the United States and Japan, it is unfortunate to think that the outposts of this great Republic have been extended 10,000 miles across the sea and have planted themselves in the Philippine Islands, only about two days' sail from Japan, where, in the event of difficulty, they, our most defenseless and most exposed portion of territory, would lie at the mercy of that great Asiatic power. Hence my feeling of security without the Philippines, to say nothing of the justice of giving them their independence just as soon as their condition makes it feasible. So I shrink from the idea of including the Philippine Islands as an American possession in a great scheme of ocean transportation, which is the object of this bill, or of extending to them those restrictive laws which can only serve to irritate and discourage instead of producing that continued feeling of amity and satisfaction which the legislation of the Democratic Congress established in 1915. Therefore, I hope that the Senate, in its wisdom, will very carefully consider section 23 of this bill and very earnestly discuss its possibilities, to say nothing of what seems to me to be the injustice of extending a local monopoly across the sea so as to embrace a large and necessarily extensive line of ocean traffic before they vote to include this proposition in the bill now pending.

I have taken this occasion, Mr. President, to express my views upon the subject, although I understand that the section has gone over and will not be fully considered until the return of the junior Senator from New Jersey [Mr. EDGE].

Mr. KING. Mr. President, may I ask the Senator from Colorado, with his permission, before he resumes his seat, a question for information?

Mr. THOMAS. Certainly.

Mr. KING. I did not have the opportunity of hearing the address of the Senator from Washington [Mr. JONES], and I ask the Senator from Colorado if he knows whether the evidence before the committee or the facts with which he is conversant establish that the carrying bottoms of our country now engaged in the coastwise trade have been charging extortionate or, at least, unfair rates—rates that were more than ample to compensate them for their work in carrying the commerce between the various ports of the United States?

Mr. THOMAS. Mr. President, I am not a member of the Committee on Commerce; I have been too busy with other committees with which I am identified to read the evidence and statements which were made before it; and, of course, as a consequence, I am unable to answer any question which is based upon the details of the examination made by that committee. Neither am I prepared to make the statement unequivocally that the coastwise charges are extortionate; but the Senator from Utah knows that in the operation of every enterprise which is controlled by itself and which is protected by ironclad legislation it will not be particularly modest nor particularly conscientious in the fixing of its charges. I know that the coastwise trade of the United States is now and practically always has been extremely prosperous, and not only so but extremely alert to secure every possible advantage that congressional legislation can give it; and I am satisfied, in my own mind, that great reductions could be made to those who are compelled to patronize the coastwise lines without in the slightest degree imperiling their solvency or to a very great extent diminishing their profits.

Mr. JONES of Washington. Mr. President, I desire to refer for just a moment to the question asked by the Senator from Utah [Mr. KING]. Under the shipping act, as it now is, it is provided that:

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, district, or possession of the United States and any other State, Territory, district, or possession of the United States, or between places in the same Territory, district, or possession.

So that whatever coastwise trade we have on the high seas or on the Great Lakes is under the control of the Shipping Board to practically the same extent as the railroads are under the control of the Interstate Commerce Commission.

Referring especially to the Philippine Islands, if the coastwise laws were to be extended to the Philippines, the shipping lines and the ships engaging in that trade would be under the control of the Shipping Board with reference to rates, preferences, service, and all that sort of thing. There was, however, no complaint and no showing before the committee in any way of excessive charges or unfair practices or anything of that kind.

Mr. KING. Will the Senator permit an inquiry?

Mr. JONES of Washington. Certainly.

Mr. KING. I will propound two questions, and then the Senator can answer them both.

Mr. JONES of Washington. Very well.

Mr. KING. Was there any evidence before the committee which indicated that there had been or was a monopoly in the coastwise trade; and that, in the past if not at present, the charges made by those engaged in coastwise carrying were extortionate or, at least, unfair?

Mr. JONES of Washington. There were no suggestions of that kind by anybody before the committee, and I am sure if there was anything of that kind complaint would have been made to the Shipping Board, because the Shipping Board is specifically authorized to look into matters of that sort with reference to this character of coastwise trade.

Mr. KING. Mr. President, I should like to ask the Senator if there is not evidence before his committee or if there has not been evidence before the Commerce Committee that, in the past, at least, the coastwise traffic had drifted into the hands of a few large corporations and that they had crowded out or destroyed all competition and fixed rates such as their cupidity and their conscience allowed?

Mr. JONES of Washington. There has been no suggestion of that kind before the Committee on Commerce since I have been a member of it.

Mr. KING. One other question. In view of the privileges and advantages given to the coastwise carrying trade, amounting to a virtual monopoly, does this bill impose any obligation upon those engaged in the coastwise carrying trade to develop new ocean routes and to carry our flag to foreign ports? In other words, does this bill put into the hands of a few individuals a monopoly, give them the advantage of the coastwise trade, where the liabilities and dangers and hazards are not so great, and not require of them any activity or effort to engage in ocean traffic to foreign ports?

Mr. JONES of Washington. Oh, Mr. President, there is nothing in this bill that deals with the coastwise laws or coastwise shipping except the provision extending the application of the coastwise laws to the Philippine Islands, or to the island possessions of the United States, and the provision to prevent the evasion of the coastwise laws to which I referred yesterday, having in view especially the situation between Seattle and



Skagway, Alaska. We do not deal in general in this bill with the coastwise laws. They are left just as they are; we have not attempted to interfere with them. One reason why we have placed a provision in this bill to prevent the evasion of the coastwise laws in Seattle is that we do not believe that we ought to favor or wink at or tolerate the evasion of our coastwise laws by foreign shipping. If our coastwise laws should be abolished, that subject should be taken up and should be taken up in a separate measure; but so long as the coastwise laws remain on the statute books as they are we ought to see that they are observed. That is what we do in connection with the coastwise laws in this bill. The bill deals primarily with our foreign ocean-going shipping in the foreign trade.

Now, Mr. President, just a word or two with reference to one of the suggestions of the Senator from Colorado, for whose opinion and judgment I have very high regard, knowing that he is actuated in whatever he does and whatever position he takes by the highest and most patriotic motives. I agree absolutely with him that one great necessity for the development and in the development of our foreign trade is the establishment of American agencies—American business facilities—in foreign countries, more care upon the part of our manufacturers in packing their products, more care in catering to the needs and wishes and demands of their customers in foreign countries. These are among some of the most important things that our people must learn and accomplish in order to develop our foreign trade; and, Mr. President, one of the greatest agencies—in fact, one of the essential agencies—in the development of foreign business facilities upon the part of our people, the establishment of banking facilities, the establishment of American agents and business representatives in foreign countries, is to have an assurance that they will have regular, certain, and definite transportation facilities. I may be wrong about it, but my belief is that if we will assure the business men of this country that they will have regular, definite, and certain water transportation for a certain period of time they will establish the business agents and banking houses and banking facilities.

We hear lots of complaint about our not having banking facilities in South America, or commercial agencies there. If we will say to our people that for a period of five years we will maintain regular and certain and definite sailings between certain ports in this country and certain ports in South America our business people and our banking people will establish their commercial agencies and their banking facilities in those localities. That is a *sine qua non* of doing that; and one of the great purposes of this bill is to establish these regular routes and furnish these regular services.

The Senator suggests that there will be retaliation. I can see no excuse for any country retaliating against us for establishing and insisting upon transportation facilities to do the business between the main country and its possessions. All countries have done that in the past until they saw fit to abandon it, and no other country could complain. I am not going to discuss whether the Philippines should have their independence or not. That is a question, I think, that is foreign to this bill. We have the Philippines. They are ours now. How long they will stay so, I am not prepared to say. Whether it was wise for us to take them over, I am not going to discuss. Whether we should give them their independence hereafter, I am not going to consider. I am facing the situation as it is now. They are ours. There is some trade that we can get, and if we do not get it there will be nobody to blame except ourselves. It furnishes an opportunity for the construction of the character of ships that we need, not only in our ocean commerce, but for national defense in time of stress. It will furnish the very kind of ships that we ought to have had when this war broke out, and if we had had them probably the war would have been shortened by some months.

Mr. KING. Will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. Certainly.

Mr. KING. The subject that the Senator from Colorado discussed is one to which I have not given very much attention, and I have not any settled views in regard to it; but I invite the Senator's attention to this fact:

Assume that we are anxious to obtain Pacific trade, and desire our boats to go to the Philippine Islands and to other oriental ports: Does the Senator think that this legislation would have a tendency to provoke upon the part of Australia and New Zealand, either directly or through the British authorities at London, retaliatory legislation, or retaliatory legislation upon the part of the Dutch with respect to Java, or similar legislation, retaliatory in kind, by the Chinese Republic, or by Japan, so that our vessels that might cross the wide Pacific

could trade only with the Philippine Islands, that they could not carry a pound of freight from China or from Japan or from Java or from New Zealand or from any other of those countries in the Orient?

The Senator will see that if we enact legislation of this kind it may result in our vessels being denied the ports of other nations for the purpose of loading cargoes from those nations which might be carried to other nations or to our own land.

Mr. JONES of Washington. Mr. President, I do not think so. I really have not any fear of that; but if we are going to talk about retaliation, if there is any country that is in a position to carry on a war of retaliation, it seems to me that it is the United States.

Suppose Japan tried to retaliate against us. What is her best market? What is she paying hundreds of thousands of dollars a year subsidy to her shipping to do except to carry products to the United States? Does she want to be shut out of our ports? Will she invite a conflict of that sort? Not a bit of it.

Does Great Britain need us? Does Great Britain need our products? How long could she live without the millions and hundreds of millions of dollars' worth of products that she gets from the United States? I do not think she would contemplate for a moment entering into a contest of retaliation with us. I do not want to enter into a contest of retaliation with these other countries, but, Mr. President, I do not fear it; and if we are going to frame our legislation on the basis of our fears, we will never get anywhere, especially in the shipping world. If we are going to be deterred from doing what we think we ought to do for the building up of our shipping because of something we are afraid other countries may do to try to get even with us, we will get nowhere.

Mr. President, as I said a moment ago, there is not any country on the face of the earth that is as favorably situated as this country to enter into a war of retaliation, if there is any country on the face of the earth that wants to enter into it with us; but what excuse can any country have for retaliating against us because we deal as we see fit between ourselves and our own territory? Is there any country that thinks about retaliating against us because we confine the passenger and freight traffic between the city of New York and the city of New Orleans to our own ships? Not at all. They recognize our right to do it as a domestic problem; and so, while the Philippines are a good way off, they are a part of this country at this time, and the trade between us and them, so far as we see fit to treat it as such, is a domestic proposition; and no country would be justified in complaining of any attitude that we may take with reference to it.

There is not any question but that our friends in other countries will do everything in the world they can to prevent us from taking this transportation that we can take if we will. I note in the paper this morning that considerable interest is being manifested in the British Parliament over this shipping bill that is now pending.

What are they doing? Why, they are taking steps to look after their interests, and they have asked their ambassador to send them a copy of it. That is all right. That shows the right sort of spirit. That shows the right sort of way to deal with these matters. They are not going to leave anything undone to prevent us from getting on the sea and establishing ourselves upon the sea. They are going to do everything in the world they can to prevent it, and we have no ground for complaint. We have not any right to complain against it. The only basis of complaint that we can have is against ourselves for not taking advantage of the opportunities that present themselves to us to do what we would like to do.

Therefore, so far as I am concerned, this cry of retaliation has no terrors for me. It is always raised, it always has been raised, when we have attempted to do anything with reference to our merchant marine. I do not want any trouble with Japan. We are not going to have any trouble with Japan over shipping, over transportation, or things like that. I trust we never will have any trouble with her over any matter, but we need not worry about that in connection with this legislation.

Mr. President, I hope the Senate will give section 23 very careful consideration. I believe that when they do, and when they see the possibilities of it and see the opportunity that it presents to us, absolutely certain, with reference to our merchant marine, it will be adopted by a large vote.

Let me say here that there may be a great deal of doubt as to what the results of this legislation will be as a general proposition; there may be very much uncertainty as to whether or not our merchant marine will be built up under the policies laid down in this bill; but, Mr. President, there can be abso-



lutely no doubt as to what will result with reference to our shipping from the adoption of section 23. It will mean more ships for our merchant marine. It will mean finer ships for our merchant marine. It will mean greater transportation facilities on the Pacific, and, in my judgment, it will mean making Manila the great distributing center for the Orient, controlled and dominated by us, for the distribution of the products of this country, both manufactured and otherwise, and it will insure cargoes home. The Senator from Minnesota [Mr. NELSON] yesterday said that one great thing was for us to get cargoes home. That is true. There is not any doubt about our getting cargoes for home if we embrace the Philippines within the coastwise laws. We will bring their products to this country.

As I said yesterday, so far as my opinion goes, I believe that we could not do better in bringing about friendly and close relations between that Territory and this than to do what we propose to do in this bill, because the fact must not be overlooked that under the provisions of this bill we pledge ourselves to furnish ample transportation facilities, at fair and reasonable rates, for passenger and freight traffic.

Mr. President, that is all I am going to say about this section at this time.

The PRESIDING OFFICER. Sections 22 and 23 have already been passed over.

Mr. CALDER. Mr. President, as this section has been debated, I just wanted to add a word to what has been said.

Under the terms of section 23 it is proposed that the Shipping Board shall establish adequate steamship service, if necessary, to the several outlying possessions of the United States. Already Porto Rico, Alaska, and Hawaii are within the coastwise laws of the United States. This section extends these laws to the Philippines.

Mr. President, the people of the Philippines spring from a race different from most of us who live in continental United States. They were not accustomed to do business with this country and did not understand our methods until we took over the islands some 20 years ago. But since that date, despite the fact that they are a part of this Nation, except for the traffic in the United States Transport Service, practically all of their overseas trade to and from this country has been carried in foreign vessels.

From my observation of the shipping question, it has seemed to me that if we hope to establish and maintain definitely a trade with other parts of the world, and particularly with the Philippines, it must in the main be done in American bottoms. So, as a member of the Committee on Commerce, when this proposition was advanced in the committee I strongly urged its adoption.

I have been opposed, except where it could be clearly shown in the country's interest, to the Shipping Board establishing routes from American ports to other parts of the world; but I have insisted that we should give Government aid to those who are willing to establish such routes. But if there is one place, Mr. President, where the maintaining of an ocean going route is justified that place is to the Philippine Islands. I do not know how long these islands may be in our possession, but whether it be for 5 years or 50 years our commerce to them should be carried in American ships. There is nothing in this section to prevent vessels flying the Japanese flag from trading between Philippine ports and all the rest of the Orient, or to prevent English vessels, or vessels of any other nation, plying between the Philippine Islands and all the rest of the world, excepting direct trade with the United States.

The other day it was my privilege to attend a little gathering in New York City on the steamship *Huron*, a former German vessel taken over by our own Government during the war. This vessel has been reconditioned and with four other former German passenger steamers has been allocated to the Munson Steamship Co., who will operate a passenger service sailing weekly between New York and South American ports. I sat next to the ambassador from Uruguay, who told me that until the introduction of this service perhaps once or twice a year a tramp freighter flying the American flag would come into the port of Montevideo, the capital of Uruguay, loaded with some special cargo for Buenos Aires or Montevideo, but that no regular service had ever been maintained between the United States and South America by American merchant vessels, as against this condition regular routes were operated, with weekly sailings of modern passenger and freight liners, between ports in Italy, Spain, England, and Germany. This neglect on the part of the United States was responsible for the fact that practically all of South America's business had gone to Europe. It was not convenient for them to trade with us; we had no direct lines which could accommodate their business. The trade with Europe led to the establishment in South America—and

this gentleman referred particularly to Uruguay and Argentina—of banking facilities, transportation agencies, and other handy and agreeable methods for doing business.

All of the gentlemen at this gathering on the *Huron* believed that the opening of this new line was the beginning of trade, both in passengers and freight, with the east coast of South America that would mean much to both countries. Speeches were made by ambassadors and ministers from South America. They welcomed this opportunity to trade with the United States. One could draw but a single conclusion from the statements made, and that was that we had neglected them and that naturally their trade had gone where their business was appreciated.

If all this is true, Mr. President, how much more important even than this South American trade is it that we should have a direct line of overseas traffic with the Philippine Islands, one of our dependencies.

So I am strongly for this provision in this section, and I am hopeful that when we come to the final consideration of it, it will meet with general approval. If it is a fact that we have not sufficient shipping facilities to carry our trade the proviso at the end of the section extending the time when our coastwise laws shall be effective in the Philippine trade will take care of the situation. Section 23 is a splendid thing for our merchant marine, and I am very strongly for it.

Mr. JONES of Washington. Mr. President, just a word. The Senator from Utah [Mr. KING] has been called out of the Chamber, but I have a very significant statement here which I want to read into the Record, and I hope that he and the Senator from Colorado will notice it, if they fear retaliation. I have not heard any suggestion in this country about our retaliating against other countries for giving preferences to their colonies, and yet I have here a statement quoting from Capt. C. B. Foster, of the *Melbourne*. This is a quotation from a pamphlet gotten out by the Continental Insurance Co. I think they get out regular issues of it. This pamphlet discusses England's policy, and I find in it the following:

All along the Gold Coast of Africa an American boat does not get a show at any desirable cargo, Capt. C. B. Foster, of the *Melbourne*, said.

"This is not unexpected, because British shipping gets preference among British colonies, but I don't know a single place where the United States shipping has an edge. We consider ourselves lucky if we can get an even break."

That, Mr. President, is in line with what I read yesterday from an official document from Canada, wherein they direct that their shippers and their merchants shall be given a preference over all others. Yet we are not talking about retaliation on account of that. They are doing what they have a perfect right to do, and what I think we ought to do.

The PRESIDING OFFICER. The next amendment of the Committee on Commerce will be stated.

The next amendment was, on page 24, after line 23, to insert:

SEC. 24. That the act entitled "An act giving the United States Shipping Board power to suspend present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of 120 days thereafter, except the coastwise trade with Alaska," approved October 6, 1917, is hereby repealed: *Provided*, That all foreign-built vessels admitted to the coastwise trade under such act for the full period covered by the act and which are wholly owned by persons who are citizens of the United States, and foreign-built vessels owned by the United States at the time of the enactment of this act, if sold to such persons, may operate in the coastwise trade so long as they are owned by such persons.

Mr. JONES of Washington. Under that proviso it appears that only a few vessels would be, we might say, favored; and apparently those vessels are owned by a particular company. There is considerable complaint about it, and there is a feeling that it really results in unfair and unjust treatment. That was not intended by the committee, and I desire to offer an amendment to take the place of the proviso. In lieu of the proviso I move to insert what I send to the Secretary's desk.

The PRESIDING OFFICER. The Senator from Washington offers an amendment to the amendment, which will be read.

The READING CLERK. On page 25, after line 6, in lieu of the proviso insert:

*Provided*, That all foreign-built vessels admitted to American registry, wholly owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States at the time of the enactment of this act, when sold and wholly owned by persons citizens of the United States, may engage in the coastwise trade so long as they continue wholly in American ownership.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment of the committee.

Mr. JONES of Washington. I understand there are not a great many of those ships, and we believe that where the ships



are wholly owned by American citizens, built by American capital, there can be no injury done to the coastwise trade by allowing them to be admitted to American registry, so long as they continue in that ownership. Then, the Navy Department owns several small ships, some of which it has owned since the Spanish War. They are foreign built. They are very small. If they are given the privileges of the coastwise trade of the United States, they will be able to sell them at very much greater advantage to the United States, and they will be covered by this proviso.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 25, after line 13, to insert:

SEC. 25. That the owner of a vessel documented under the laws of the United States and operated in foreign trade shall, for each of the 10 taxable years beginning with the first taxable year ending after the enactment of this act, be allowed as a deduction for the purpose of ascertaining his net income subject to the war-profits and excess-profits taxes imposed by Title III of the revenue act of 1918 an amount equivalent to the net earnings of such vessel during such taxable year, determined in accordance with rules and regulations to be made by the board: *Provided*, That such owner shall not be entitled to such deduction unless during such taxable year he invested, or set aside under rules and regulations to be made by the board in a trust fund for investment, in the building in shipyards in the United States of new vessels of a type and kind approved by the board, an amount, to be determined by the Secretary of the Treasury and certified by him to the board, equivalent to the war-profits and excess-profits taxes that would have been payable by such owner on account of the net earnings of such vessels, but for the deduction allowed under the provisions of this section, or unless such owner, with the approval of the board (to be given only if because of the smallness of the amount involved the board deems it best for the interests of the United States), applies such amount on any mortgage indebtedness due to the United States for the purchase of ships.

That during the period of 10 years from the enactment of this act any person a citizen of the United States who may sell a vessel built prior to January 1, 1914, shall be exempt from all income taxes that would be payable upon any of the proceeds of such sale if the entire proceeds thereof shall be invested in the building of new ships in American shipyards, such ships to be documented under the laws of the United States and to be of a type approved by the board.

The Secretary of the Treasury, the Secretary of Commerce, and the chairman of the board are hereby authorized and directed to determine from time to time what shall be allowed for annual depreciation of vessels purchased from the United States, or vessels completed in the United States, since November 11, 1918, in order that the owners of such vessels shall, with respect to the capital cost thereof, be put as nearly as may be on a parity with the owners of ships under the flag of our foreign competitors in the world's carrying trade, and such allowances shall be embraced in the deductions allowed by law in determining the net income subject to income taxes and war-profits and excess-profits taxes; and if said Secretaries and the chairman of the board are unable to reach a unanimous decision in such matter, it shall be referred to the President and his decision shall govern therein.

Mr. JONES of Washington. Some Senators have asked that section 25 may be passed over until to-morrow.

The PRESIDING OFFICER. Without objection, on request of the Senator from Washington, section 25 will be passed over. The Chair hears no objection.

The next amendment was, on page 27, after line 12, to insert:

SEC. 26. That all mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States. No contract with the Postmaster General for carrying mails on vessels so built and documented shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so built and documented. No money shall be paid out of the Treasury of the United States on or in relation to any contract for carrying mails on vessels so built and documented when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so built and documented. The board and the Postmaster General, in aid of the development of a merchant marine adequate to provide for the maintenance and expansion of the foreign or coastwise trade of the United States and of a satisfactory postal service in connection therewith, shall from time to time determine the proper rate of compensation to be paid for such service, and the Postmaster General is hereby authorized to enter into contracts to pay for the carrying of such mails in such vessels at such rate.

Mr. LENROOT. I should like to ask the chairman of the committee with relation to lines 21 and 22, on page 27. Does the present law prohibit the assigning of such contracts?

Mr. JONES of Washington. I do not think so; I will state the reason for the provision: It was called to my attention that, for instance, a contract might be let to an American citizen for carrying the mails and then he might turn it over to a foreign ship line. He was the agent of the foreign ship line; he took a contract in his own name and then turned the business over to the foreign line.

Mr. LENROOT. I am fully in sympathy with the provision.

Mr. JONES of Washington. The object is to prevent that practice.

Mr. LENROOT. My query concerned the case where a contract heretofore made had been sublet, when it was lawful to do so. This provides that no money shall be paid out of the Treasury on such a contract.

Mr. JONES of Washington. The intention was to have it apply to contracts hereafter made. It is not intended to affect previously made contracts.

Mr. LENROOT. Would it not be better to put in a clause that it shall apply to no contracts heretofore made?

Mr. JONES of Washington. Very well. In line 16, after the word "contract," I move to insert the words "hereafter made."

The PRESIDING OFFICER. The Senator from Washington proposes an amendment to the amendment, which will be stated.

The READING CLERK. On page 27, line 16, after the word "contract," insert the words "hereafter made," so that it will read:

No contract hereafter made with the Postmaster General for carrying mails, etc.

The amendment to the amendment was agreed to.

Mr. JONES of Washington. In line 21 I think we should put in the word "such" before the word "contract."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On line 21, before the word "contract," insert the word "such," so that it will read:

No money shall be paid out of the Treasury of the United States on or in relation to any such contract for carrying mails, etc.

The amendment to the amendment was agreed to.

Mr. NELSON. Mr. President, I want to call the attention of the Senator from Washington to one fact. This section leaves it absolutely in the control of the Postmaster General to fix the compensation to be paid. There is no limitation. Beginning in line 4, on page 28, it reads that the board and the Postmaster General "shall from time to time determine the proper rate of compensation to be paid for such service, and the Postmaster General is hereby authorized to enter into contracts to pay for the carrying of such mails in such vessels at such rate." There is no limitation; they can fix any amount.

Mr. JONES of Washington. The language is "proper rate of compensation." I know there is no limit except the words "proper rate of compensation."

Mr. LENROOT. It clearly, it seems to me, authorizes the payment of a subsidy out of the Treasury for the building up of our merchant marine under the guise of a mail contract. That question has been fought out in Congress many, many times. I do not believe this door should be left wide open, as the Senator from Minnesota suggests, as it is in this provision. There certainly should be some limitation.

Mr. JONES of Washington. Does the Senator suggest a limitation? It is left to the board and the Postmaster General to fix a proper rate of compensation for carrying the mail, and they are permitted to take into consideration the development of a route.

Mr. LENROOT. It authorizes the board and the Postmaster General to give an outright subsidy, does it not?

Mr. JONES of Washington. Yes; you may call it so.

Mr. LENROOT. Does the Senator think that the section should be passed in this form?

Mr. JONES of Washington. Yes; if no one is going to make any objection to it.

Mr. LENROOT. I am objecting right now.

Mr. JONES of Washington. Will the Senator suggest some limitation, then? The committee considered it pretty fully, and we thought it was a wise provision to aid in the accomplishment of the great purpose we want to accomplish. Will the Senator suggest a limitation that he thinks ought to be placed on it?

Mr. LENROOT. I will suggest one limitation, but I do not know that it will be effective. In line 7, after the word "contracts," insert the words "within the limits of appropriations made therefor by Congress." Then there would be some limitation at any rate.

Mr. JONES of Washington. I accept that amendment to the amendment. I think that is a very good limitation.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. LENROOT] proposes an amendment to the amendment, which the Secretary will report.

Mr. NELSON. I rose to ask the Senator from Wisconsin, or the Senator from Washington, if he can give us any information as to what rates are allowed by the United States postal authorities for carrying mail? Is there not a limitation, or is it left entirely optional with the Post Office Department?

Mr. JONES of Washington. I think there is a regular pound rate or ounce rate.

Mr. LENROOT. There are specific limitations as to speed of ship, and so forth.

Mr. NELSON. Ought there not to be a similar limitation in this section?

Mr. JONES of Washington. I do not think we are paying out very much, if any, money under the act of 1891. That is the act under which we used to pay money for speed of ships, and so forth. But we are paying out a little over \$3,000,000 a year for the carrying of our foreign mails, and \$2,500,000 of that sum

is paid to foreign ships. It is at so much a pound, and there is a limitation in that.

The purpose of this provision is the carrying of our mails in our own ships. I do not assume that the Shipping Board and the Postmaster General will act recklessly in a matter of that kind, but I think the limitation proposed by the Senator from Wisconsin is a very excellent one. I assume that under it they would have to make their recommendations to Congress as to what they think they ought to make contracts for for carrying certain mails. Then it would be for Congress to approve such contracts and make the appropriation. So I think they would have an absolute limitation.

Mr. NELSON. I wish to ask the Senator another question. I agree with him in the proposition that our mails ought to be carried by American ships. There is no dispute about that, but I would not want the American ships to mult us.

Mr. JONES of Washington. No; neither would I.

Mr. NELSON. I would suggest that while you require the Government to ship its mail in American ships, you also require that it shall be done at the same rate that it can be carried for in other ships. Otherwise you will have no limitation. If you leave it as it is now, it will be a stark, open subsidy, absolutely under the control of the Postmaster General and the board.

Mr. JONES of Washington. I suggest to the Senator from Minnesota that if we would leave it that way the foreign ships would carry the mail; they would underbid our ships.

Mr. NELSON. The Senator misunderstood me. Let the mail be carried in American ships by all means, not in foreign ships, but give no larger rate of pay than we can get it done for in foreign service, unless you want to grant a subsidy.

Mr. JONES of Washington. I am not scared at a subsidy. I want to build up these routes, and I expect this to be used for largely in the building of regular steamship lines or routes where there are none now, and where there would be no bids. I think the amendment suggested by the Senator from Wisconsin to the amendment covers the situation absolutely.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Wisconsin to the amendment.

The READING CLERK. On page 28, line 7, after the word "contracts," insert the words "within the limits of appropriations made therefor by Congress."

The amendment to the amendment was agreed to.

Mr. LENROOT. Now, I move to strike out all the section, after the word "documented," in line 25, page 27.

The PRESIDING OFFICER. The Senator from Wisconsin moves an amendment, which the Secretary will report.

The READING CLERK. On page 27, line 25, after the word "documented," strike out the remainder of the section, down to and including the word "rate," on line 8, page 28.

Mr. LENROOT. If this amendment to the amendment is adopted, it will still leave the direction to the Postmaster General, in so far as his discretion permits, but still within the limits of compensation now provided by law, to have all the mails of the United States carried upon American ships, but it will take away from the Postmaster General and the board the right to grant a subsidy. Of course the amendment to the amendment which has just been adopted does protect the situation to some extent but not fully, because if Congress makes an appropriation of \$3,000,000 for the carrying of foreign mail, it would still be possible for the Postmaster General to enter into a contract with one steamship company for carrying one-half of the mail and paying them the entire \$3,000,000 for it.

I do not believe that the matter of subsidy should be settled in this bill. Certainly there was no thought upon the part of anyone I know of in connection with the consideration of any of this legislation that we would go into the matter of ship subsidies.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. Certainly.

Mr. REED. I wanted to ask the Senator where his amendment is to be applied?

Mr. LENROOT. It strikes out all of the section after the word "documented," in line 25, page 27.

Mr. REED. The Senator proposes to strike out all the rest of the section, including the amendment which the Senator just offered?

Mr. LENROOT. Yes.

Mr. REED. So the bill in that case would not provide for carrying the mail at all?

Mr. LENROOT. Yes; it would leave the direction to the Postmaster General, under the limits of compensation now fixed,

to give preference to American ships for the carrying of the mail.

Mr. REED. What is the object of the Senator in offering an amendment and having it agreed to, and then moving to strike it all out?

Mr. LENROOT. It is a very ordinary way of perfecting an amendment, to relieve the objection to the amendment as proposed as much as possible, although one is not in favor of the proposition as amended. It is a very common practice.

Mr. JONES of Washington. Mr. President, I have here a statement from the Postmaster General showing that the total amount paid for United States and foreign closed mail in steamships in 1919 was \$3,195,770.40, and of this there was paid to foreign lines \$2,350,609.25. That has no special bearing upon the proposition presented by the Senator from Wisconsin, but I wanted these facts to appear in the RECORD.

Now, Mr. President, I hope that the amendment to the amendment will not be agreed to. I am not going to take any special time in discussing it. I believe that we can leave the matter clearly to the Shipping Board and the Postmaster General as to what is necessary to be done in order to build up mail routes and transportation routes by sea, and especially with the limitation put in the section by the Senator from Wisconsin, which is in substance that no contract of that kind can be made until after they have submitted their estimates to Congress and Congress has made the appropriation for it. I know that both the subcommittee and the full committee, when this matter was under consideration, had in mind the necessity of doing something of this kind in aid of the American merchant marine. We did it purposely and with the intention of taking a step that in our judgment would encourage development along these lines. I shall not take the time of the Senate further.

Mr. CALDER. Mr. President, I agree with the statements made by the chairman of the committee, the Senator from Washington [Mr. Jones]. The subcommittee in considering the bill had in mind the fact that it might be necessary, in order to insure the operation of routes to certain parts of the world, to arrange for proper mail pay for carrying the mails—you may call it what you like, mail subvention or mail subsidy or mail assistance or anything else.

This Nation has invested over \$2,000,000,000 in building up a merchant marine.

Mr. JONES of Washington. Three billion dollars.

Mr. CALDER. Yes; \$3,000,000,000 in building up a great fleet of merchant vessels. We are going to have some difficulty in maintaining that fleet and operating it in competition with other nations. It is an old story, Senators may say, but now our money is in it. We must protect our investment even if it is necessary to put in a little more to keep it going. I am sure the people of this country will gladly give a little more to American ships to carry the American mail than we give to foreign ships for the same business. For one, I shall go that far.

I believe that with the first amendment of the Senator from Wisconsin [Mr. LENROOT], to which I am not objecting, we are amply protected from excessive mail rates, but I hope the amendment which he now offers will not prevail. If it does, I believe it will seriously impair the value of this legislation, which after all is proposed for the purpose of maintaining the American merchant marine on the seas.

Senators know that previous to the European war we carried just a little over 8 per cent of our foreign trade in American bottoms. We were unable to secure an American fleet until the people were awakened by the Great War to the Nation's need of it. Now we have it. Let us not let the expenditure of a little money, such as the amount that will be required by this section, stop its continuance.

I have always believed that if in the 20 years preceding the war we had spent \$25,000,000 a year, or a total of about \$500,000,000, we would have had a merchant marine when the war came on.

We did not do it. Some Senators, particularly from the Middle West, did not realize the situation as those of us who represent the States bordering the Atlantic and Pacific did, so we missed the opportunity. When the war came on we had to spend these vast sums of money, which would have been unnecessary if we had previously appropriated a reasonable sum over a period of years.

This is one of the best sections of the bill, and it will be destroyed if the amendment proposed by the Senator from Wisconsin is agreed to.

Mr. UNDERWOOD. Mr. President, I am very much interested in the bill, and especially in this section of the bill. The



history of this Government from the beginning shows that it has been impossible for us to maintain a merchant marine on the seas without some help from the Government. If we could control the matter entirely ourselves we could avoid subventions, but when we go upon the open seas to compete with the world we have got to fight the world on the basis on which it fights.

The question is historic. After the Revolutionary War, when we had won our liberties and our freedom as a Government, we still were under the control of British commerce, because Great Britain controlled the ships on the seas. The first tariff act that was ever passed by the American Congress contained a clause, written by James Madison, providing for a discriminating duty of 5 per cent in favor of goods brought into this country in American bottoms, sailed by American seamen. That act was modified from time to time. It was renewed during the term of President Jefferson, and a bill was signed by Jefferson imposing discriminating duties in favor of goods imported in American bottoms. Such a policy was necessary in order that we might build up an American merchant marine, and the result proved the wisdom of the legislation, for at the time these discriminating duties were originally passed we, practically speaking, had no merchant marine; but by the time Jackson became President of the United States our merchant marine controlled the seas.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator from Alabama?

Mr. UNDERWOOD. Certainly.

Mr. JONES of Washington. I do not know whether or not the Senator thinks we have reached the section with reference to the abrogation of certain treaties.

Mr. UNDERWOOD. No; I understand the motion is to strike out the provisions of the bill in regard to compensation for carrying American mails.

Mr. JONES of Washington. That is correct.

Mr. UNDERWOOD. And I merely desired to draw the illustration.

When the present tariff law was passed the House of Representatives placed in the bill a discriminating duty in favor of American ships. The Senate modified it so as to meet treaties in force at that time. I believe if that modification had not been made by the Senate there would have been inaugurated an upbuilding of the American merchant marine which would have saved us many hundreds of millions of dollars which we had to expend during the recent war. The provision did not become operative because of those treaties. That difficulty is sought to be remedied in the pending bill, and I am in entire agreement with the Senator from Washington in his efforts in that direction.

However, it is clear, Mr. President, that if we do not discriminate in favor of American shipping, although we have built the greatest fleet this country has ever known, the day is not far distant when that fleet must anchor in the harbors of the United States and remain there because of the competition of foreign shipping manned by seamen who sail the ships at very much less wages than those for which American seamen can be employed.

More than that, almost every great nation of the world with whom we must compete to-day is paying subsidies or granting subventions to its own merchant marine. To-day British ships that sail through the Suez Canal receive a subvention, by way of a mail contract, that equals the toll they pay in going through the canal, giving them a distinct advantage over our ships, because we have no such subvention.

I think that any effort to prevent this Government from giving a reasonable subvention, by way of a mail contract, to American ships, if it is carried out through the terms of this bill, will result in a few years in the American ship not being able to compete with its foreign competitor, and the passage of this bill will have been in vain. It is a condition that confronts us and not a theory. It is no new matter. We have tried it out for years and years, and the American ship has been driven off the seas because the conditions of competition have been such that we could not meet them. One of the reasons why I am so heartily in favor of this bill is that it seeks to give an opportunity for the American ships, which we have built at great cost, to live and to serve the commerce of this Republic. I therefore hope that the amendment will be defeated.

Mr. LENROOT. Mr. President, this section is another illustration of Congress absolutely yielding its functions and duties to a subordinate body. Congress seems to have gotten so much into the habit of doing so during the recent war that it proposes to continue along the same line during times of peace.

Prior to the war no Senator would ever have dreamed of delegating to any board or to any commission the powers that are proposed to be delegated by this section. We have had many subsidy bills before Congress; we have a mail subvention law upon the statute books now; but Congress has always undertaken to retain to itself the function of determining the details of such subvention and not delegate unlimited power to a subordinate body. If Congress now, in time of peace, is going to continue to delegate its powers without limitation or restriction, there is no Senator upon this floor who will have any right to criticize the executive department of the Government for taking to itself the administration not only of executive powers but of the legislative powers of the Government as well.

I have before me the present mail subvention act, in which Congress went into great detail in classifying the ships, in prescribing the speed of the different classes, and the compensation to be given to the different classes. There are several sections in which Congress legislates upon the subject. If we are going to provide mail subsidies, Congress ought to take up the subject, and if it is necessary to amend the present act Congress ought to amend it and not delegate to the Shipping Board or to the Postmaster General the unlimited power to do so. If ship subsidies are necessary, Mr. President—and we had much testimony before the committee that they were not; that under present conditions American ships could compete and would continue to be able to compete with foreign ships—they ought not to be provided in this way. If a ship subsidy is ever needed to maintain the American merchant marine, it should be provided upon the proper, practical, scientific basis, by ascertaining the difference between the cost of operation of American ships and like foreign ships, and apply the subsidy fairly to overcome the difference in cost of operation.

There is no Senator who need deceive himself as to what will be attempted under this provision. Shipping lines, through one means or another, will try to secure favors and privileges. We had such a situation during the war in connection with getting ship contracts, and the same condition will follow, if there be no restrictions imposed, with reference to securing mail subsidies. It ought not to be permitted; Congress ought not to delegate any such broad and unlimited power; it ought not to allow the people's money to be taken out of the Treasury without restriction, except as a subordinate body may deem proper, and used for the granting of subsidies. If subsidies are necessary, the subject should be taken up separately, and Congress should act upon the details of the legislation and the methods by which the subsidy shall be granted.

Mr. JONES of Washington. Mr. President, just a word. The act of 1891, to which the Senator from Wisconsin has referred, has been practically a dead letter. We secured, I think, four ships under that act soon after it was passed, and we never obtained any more.

Mr. LENROOT. Was that because the compensation was not large enough?

Mr. JONES of Washington. I think so.

Mr. LENROOT. Then, the remedy is to amend that act and increase the compensation.

Mr. JONES of Washington. But we do not know that we would provide the right amount then. The trouble in a matter of this kind of Congress going into details is that it can not work them out right; it can not work them out to meet the situation as it may develop. The Shipping Board and the Postmaster General will know all the details; they will know the needs of particular routes and particular lines, and they can determine far better than we can what amount is needed and what ships should be paid in order to accomplish the purpose that it is desired to accomplish. We would have to take their judgment very largely, it is true; but whenever we attempt to work out the details of legislation of this kind, to accomplish a purpose of this character, we defeat our own ends.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES of Washington. I yield.

Mr. LENROOT. The Senator is mistaken in saying that the Shipping Board will submit their estimates to us as to what they propose to give to a certain line. Congress is to make an appropriation of a lump sum for the purpose of carrying our foreign mail, and, with the amendment which has been adopted, the Shipping Board and the Postmaster General together may take the entire sum and give it to one company, and then ask for more by way of a deficiency.

Mr. JONES of Washington. I take it that when they submit their estimates of appropriation they will submit a statement

as to the purpose for which they desire to expend the appropriation.

Mr. UNDERWOOD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES of Washington. I yield.

Mr. UNDERWOOD. If it will not interrupt the Senator, I should like to make a suggestion by way of illustration that is familiar both to the Senator from Washington and to the Senator from Wisconsin, for we were serving together in the House of Representatives when the bill was passed to establish rural-mail delivery routes. When that service was in its experimental stage, as the shipping mail service is, we provided for a blanket appropriation, leaving it entirely to the discretion of the Postmaster General to be expended until the service should develop to a point where we had from actual experimentation acquired sufficient information to establish fixed routes. The same thing applies to the shipping service. It is now in an experimental state, and will be so for some time to come; but when it works out and we ascertain what can be done and what can not be done, we then can do what we did in reference to the rural-mail routes—establish a fixed compensation. We could not ever have established the rural routes in this country if Congress in the beginning had attempted to lay down hard and fast rules; and neither can we accomplish by such a procedure the object desired to be attained in this instance.

Mr. LENROOT. Mr. President, if the Senator from Washington will yield, I should like to ask the Senator from Alabama a question.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES of Washington. Yes.

Mr. LENROOT. Does the Senator contend that there was any subsidy to anybody in connection with the establishment of the rural routes in this country?

Mr. UNDERWOOD. Certainly there was no subsidy; and I do not claim that there is a subsidy under the provisions of the pending bill. We made the appropriations then to pay men to ride around in buggies and deliver the mail. We are proposing now that an appropriation in lump sum be made to allow the mail to be carried by men who sail on ships.

You may say that it is a subvention—it is certainly not a subsidy—but I am not captious about the word. I do not care what you call it. The word does not bother me. The cases are alike. When you established the great rural-route system of this country you knew that you could not lay down hard-and-fast rules. You gave an opportunity for experimentation, and you established a great system. The only way in which you can establish a great system in this case is to allow the opportunity for reasonable experimentation, and when that is accomplished the facts will probably be before Congress, a decade from now, to establish hard-and-fast rules.

Mr. JONES of Washington. Mr. President, the Senator has covered just the ground that I expected to cover.

Mr. REED. Mr. President, I should like to ask the Senator in charge of the bill whether or not he intends to bring it to a vote to-day?

Mr. JONES of Washington. I do not expect to get the bill to a vote to-day. I should like to get as far along with it as possible; but several sections have gone over until to-morrow.

Mr. REED. So that there will be no vote to-day?

Mr. JONES of Washington. Not on the bill.

Mr. REED. Mr. President, while I am on my feet I simply want to say that if I have any conception of this bill at all, it is one of very great importance. It ought to be considered with deliberation and care.

I apprehend that the great majority of the Members of the Senate are situated with reference to this bill much as I have been. Their attention has been directed to many other important measures which have absorbed their time and their energy. For my part, I have had no opportunity to study the bill at all, although I have been working to the limit of my strength. Other Members are just as busy as I am. We are trying to get through with the business which must be transacted in order to reach a recess or an adjournment at an early date. Consequently we have crowding here the various appropriation bills, the great question of declaring peace, and other problems that ought to receive the most studious investigation and the fullest debate.

I hope that this bill will not be rushed through. For my part, I have not made up my mind about it, because I have not had the opportunity to study it. I have heard of one or two measures in it which, if they have been correctly stated to me, demand very careful thought. I think the question just now raised by the Senator from Wisconsin [Mr. LENROOT] is a very

important one. It may be that we have arrived at a time when the Democratic Party must abandon its long-time policy of refusing to vote subventions or subsidies—like the Senator from Alabama, I do not care which term is used—for the purpose of promoting American shipping. I do not want to take that step without mature consideration.

The sale of these vessels is a very serious question, the price we are to receive, the control of the vessels after they have been sold. I very much question whether a plan has been devised that will keep these vessels within the control of the United States. The inclination of my mind has been never to sell any of them, if they were good and serviceable craft, but either to run them under a department of the Government, or to charter them under such terms and conditions that the Government of the United States can always be certain that the policy of the United States to maintain a merchant marine and trade routes can be indubitably effectuated.

After some experience in drafting contracts and undertaking to place restrictions upon sales, I have arrived at the general conclusion that you never can effectively control anything unless you hold title to the property in question. Title can be preserved if the vessels are only chartered or leased; but if they are sold—sold to American companies—who shall say where the control of those American companies will ultimately go?

We have expended this vast sum of money in building vessels. We ought to see to it, without any question, that as the result of it all the United States shall have one of the greatest, if not the greatest, merchant marine afloat.

I have heard of another proposition in this bill—that it is proposed to extend the coastwise laws so as to cover into the coastwise business the trade between the United States and the Philippine Islands. I have not read that section of the bill, but let me ask the chairman of the committee if I am correct in that?

Mr. JONES of Washington. The Senator is correct.

Mr. REED. So that the trade between the United States and the Philippine Islands will be confined exclusively to vessels plying in the coastwise trade, and other vessels, commonly known as deep-sea vessels, will not be permitted to handle the business between the United States and the Philippines. Is that correct?

Mr. JONES of Washington. Oh, Mr. President, the deep-sea vessels of the United States will be able to handle it, but not the deep-sea vessels of foreign countries. The deep-sea vessels of the United States will be able to handle it. Every ship under the American flag can handle the trade between the Philippines and the United States.

Mr. REED. Then the Senator was not correct in his first statement; that is, he did not understand me.

Mr. JONES of Washington. That is what I meant.

Mr. REED. Coastwise business is coastwise business. A vessel engaged in the coastwise trade does not do deep-sea business, and a vessel engaged in deep-sea business does not do coastwise business.

Mr. JONES of Washington. The Senator, I think, is mistaken in this, or, rather, I got the wrong impression from him. Ships in the coastwise trade of the United States can engage, if they desire to do so, in the ocean or foreign trade of the United States, and American-built ships in the foreign trade can also engage in the coastwise trade; but, of course, the needs of the ordinary coastwise business are such that they do not do so. The extension of the coastwise laws to the Philippine Islands, however, would permit every American-built ship to engage in that trade, both ocean-going and the ordinary coastwise ship.

Mr. REED. I remember the modification the Senator mentions, because it was brought about by an amendment to the coastwise shipping laws with which, I believe, I had something to do, but it had escaped my attention for the moment.

Mr. JONES of Washington. Mr. President, may I say to the Senator that I have discussed this coastwise provision both yesterday and to-day. I will just state briefly that, to my mind, one of the great benefits that would come from putting the Philippines under the coastwise laws would be the development of fine ocean-going ships that would be necessary in that trade under the American flag.

Mr. REED. Yes; but it might have some other effects. It might have a very disastrous effect upon the business of the United States with the Philippine Islands; for if you establish a high rate between the Philippine Islands and the United States the trade of the Philippine Islands may go to other countries, and in our efforts to build up a ship line we may destroy a national commerce. So I think the question is one



requiring a good deal of thought and care. I am not passing on it. I will not state my own conclusion for the moment, but I am stating that it is a serious question.

The question has been raised here in the debate in the last few minutes of turning the control of this entire business over to a shipping board and allowing the Shipping Board and the Postmaster General to fix rates for postage. The suggestion has been made by the Senator from Wisconsin [Mr. LENROOT] that that business ought to be done by the Congress.

The countersuggestion is that Congress can not do business of that kind, and the Shipping Board must be endowed with plenary power.

Mr. President, I have not seen anything about the Shipping Board's performances up to date to lead me to the conclusion that we ought to confer any more powers upon that board. The more I see of Government boards established in Washington the more I think of county boards of supervisors, as they exist in the various States.

We witnessed the spectacle of this Shipping Board proposing to sacrifice these vessels. They were arrested at the suit of a private citizen of the United States, Mr. Hearst, and if he had not intervened I suppose the entire American fleet would have been sold almost at junk prices by this time. I understand that the decree of the court sustaining the injunction has been made final. With that staring us in the face, it is proposed to confer additional powers upon that same board. The personnel is not identical, but the board is the successor and, in part, composed of the same personnel as the board which proposed to sacrifice these ships.

I am not in favor of giving that sort of an organization any more power. Some plan ought to be devised to keep these ships in the ownership of the United States. If, then, it is desired to charter them or, to use the more common expression, lease them, that can be done under such terms and conditions as that the United States can compel the public service to be accommodated and benefited; but I believe any other plan is likely to prove very abortive.

Mr. President, there is too much government by boards in this country. The attempt has been a failure in every instance, as far as I know. We governed the railroads and had the poorest service ever rendered in the history of the United States; we lost a billion and a half dollars in the transaction, and we are not through yet with the bills that are still coming forward, and many of which will ultimately have to be paid.

I have a great deal of sympathy for the position of the Senator from Wisconsin [Mr. LENROOT] that Congress ought to keep the control, and that where Congress yields a control it should do it under fixed rules which command the agents of the Government to follow its policy and to keep within certain bounds and limits.

What is the character of the men we are getting on these boards? Who are they? They are absolutely unknown men, and in many instances they are put in positions where they control matters of almost vital importance to the Republic. The Interstate Commerce Commission is to be enriched with some new blood. The handling of the great problem of the transportation of the mightiest Nation on earth, a problem practical in every detail, is in part to be turned over to a gentleman who has distinguished himself in organized labor, and in part to another gentleman who has enjoyed the seclusion of a study in a college. That is not the way practical business men and practical men of affairs undertake to arrange for the general management of very great enterprises. It used to be the boast of railroad managements that in the majority of instances the man enjoying the powers of control over a great railway system had frequently begun in the humblest of capacities, as an employee, and had learned the business by hard labor and application, covering a long period of years, until familiar with every detail of the great work to be undertaken. Knowing every mile of the stretch of track, acquainted with the business to be transacted through carriage, and with the financial operations necessary to sustain the vast enterprise, this employee had at last reached the pinnacle of management.

Now, we propose to put in a position to control the destiny, not of one railroad but of all railroads, not of one line of transportation but of all lines of transportation, controlling in the aggregate the destiny of the Republic itself, so far as its commercial development is concerned, men utterly unacquainted with the business of railroading and at the same time unacquainted with the other duties falling upon them, to-wit, the semi-judicial duties of determining according to the rules of law and evidence great questions brought for decision and adjustment. What I have said now of the Interstate Commerce Commission applies with tenfold force to many of these other boards and tribunals.

So I hesitate to turn three thousand million dollars' worth of ships over to a board, and then turn the board loose to do as it pleases. I think this bill requires debate and study, and for my part I shall give it all the time I am able to give it. I hope the chairman of the committee, in charge of the bill, will be prepared to ask for a recess, and that we may have some days for the consideration of the measure.

Mr. JONES of Washington. Mr. President, we will do the best we can. I know the Senator from Missouri has been engaged in other work, and I know that other Senators have been so engaged. I know that the Commerce Committee spent about three months or more on this measure. It spent two months in having hearings, and a month or two in considering the terms and details of the bill. Of course, we do not ask other Senators to take our judgment or our views with reference to it. We know how we have to take other problems very much as other committees have worked them out; but so far as I am concerned, I want every Senator to give all the time he can to the study of this measure. We want the help, aid, and counsel of all Senators who can give it attention. However, I hope that we shall be able to put the bill through as soon as we can, of course after proper consideration.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

#### RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 12, 1920, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 11, 1920.*

DIRECTOR OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Roy S. MacElwee, of New York, to be Director Bureau of Foreign and Domestic Commerce in the Department of Commerce, vice Philip B. Kennedy, resigned. (By promotion from (First) Assistant Director of Foreign and Domestic Commerce.)

#### APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 12th day of March, 1920:

Warren E. Bradbury,  
William W. Hall,  
William H. Wynn,  
Martin A. Hatcher, and  
Thomas H. Taber.

Paymaster Charles W. Eliason to be a pay inspector in the Navy, with the rank of commander, from the 30th day of October, 1919.

Paymaster John D. Robnett to be a pay inspector in the Navy, with the rank of commander, from the 4th day of April, 1920.

William H. Funk, a citizen of Indiana, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 4th day of May, 1920.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 11, 1920.*

#### AGENT AND CONSUL GENERAL.

Carroll Sprigg to be agent and consul general of the United States of America at Cairo, Egypt.

#### PUBLIC HEALTH SERVICE.

Gregorio M. Guiteras to be senior surgeon.  
Royd R. Sayers to be passed assistant surgeon.  
Edward C. Ernst to be passed assistant surgeon.  
Peter J. Gorman to be passed assistant surgeon.  
Louis L. Williams to be assistant surgeon general at large.

#### POSTMASTERS.

##### COLORADO.

Charles L. Grover, Aspen.  
Erman D. Acton, Oak Creek.

##### CONNECTICUT.

Alfred A. Barrett, Berlin.  
Warren A. Leonard, Ivoryton.

## NEBRASKA.

Frank R. Galbraith, Ainsworth.  
Ward W. Miller, Bayard.  
Clarence Dillon, Beaver City.  
Harry V. Ingram, Exeter.  
Frank W. Fuhlrodt, Fremont.  
Leah P. Rice, Harrison.  
Clifford R. Young, Marquette.  
Harry M. Townsend, Minatare.  
Edwin R. Frady, Oakdale.  
Etta H. Bartlett, Potter.  
George E. Barto, Wakefield.  
George E. Gilpin, Wilsonville.

## NEW JERSEY.

Frederick J. Dushanek, Garwood.

## PENNSYLVANIA.

Upton G. Hawbecker, Camp Hill.  
James Woodburn, Jr., Franklin.  
Charles A. Gaul, Mount Pleasant.  
Laura C. Ehler, Shippensburg.

## HOUSE OF REPRESENTATIVES.

TUESDAY, May 11, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"Know ye that the Lord He is God; it is He that hath made us, and not we ourselves; we are His people, and the sheep of His pasture."

Help us, our Father in heaven, we beseech Thee, to accept life as a precious boon and give us the courage to live day by day to the moral and spiritual code which Thou hast written indelibly on the tables of the heart—to be honest, sincere, pure, noble.

"To love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind."

"This is the first and great commandment."

"And the second is like unto it, thou shalt love thy neighbor as thyself," is pure and undefiled religion, all speculations of men to the contrary notwithstanding. Illustrated in the life, character, and precepts of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## EXTENSION OF REMARKS.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. GARD. Reserving the right to object, what is the subject the gentleman desires to extend his remarks on?

Mr. REED of West Virginia. I spoke briefly on the peace resolution, and on account of sickness I did not get it in within the five-day limit.

The SPEAKER. Is there objection?

There was no objection.

## RELIEF OF CERTAIN ARMY OFFICERS—CONFERENCE REPORT.

Mr. CRAGO. Mr. Speaker, I desire to call up the conference report on the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, and I desire that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill S. 2448. The Clerk will read the bill by title.

The Clerk read as follows:

A bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2448) for the relief of certain officers of the United States

Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 10.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, 5, 7, 8, and 9, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by the House insert the following: "the sum of \$10,000"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"Sec. 2. Col. William A. Simpson: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Col. William A. Simpson, United States Army, retired, to the position and rank of brigadier general on the retired list."

"Sec. 24. Col. Robert H. Peck: That Col. Robert L. Peck, Eleventh Infantry, Regular Army, who, under the authority of the act approved July 12, 1912, was, by the President, by and with the advice and consent of the Senate, appointed a captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry, be, and he hereby is, restored to the position on the lineal list of majors of Infantry of the Regular Army which he would have held had he not been out of the service; that is to say, to a place on the lineal list of majors of Infantry just above that occupied by Maj. H. E. Yates. But nothing in this act contained shall entitle the said Robert H. Peck to back pay or allowances."

And the House agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"Credit in the accounts of Col. Jesse McI. Carter: The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of Col. Jesse McI. Carter, Cavalry, United States Army, the sum of \$352.23, disallowed against him on the books of the Treasury."

"Sec. 64. Omer Germain Paquet: That the President be, and he is hereby, authorized to permit the reenlistment in the United States Army, at the grade held by him at the time of his dishonorable discharge from the service, of Omer Germain Paquet, formerly a quartermaster sergeant; and the said Omer Germain Paquet shall, for the purposes of computing continuous service, for ascertaining the rate at which he shall be paid, and for retirement, be considered to have served continuously from the date of his last enlistment."

And the House agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows:

"Sec. 8. William Shelby Barriger: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William Shelby Barriger, who enlisted in the Regular Army on September 15, 1900, and who rose to be a first lieutenant of Cavalry, at present temporary major of Quartermaster Department, a captain of Cavalry, to take rank at the foot of the regular list of captains of Cavalry: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act: *Provided further*, That the total number of captains of Cavalry is increased by one for the purpose of this act."

And the House agree to the same.

Amendment numbered 12: That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows:

"Sec. 9. Capt. J. C. Garrett: That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, J. C. Garrett, formerly a captain of Cavalry, to take rank as if he had remained continuously in the service."

And the House agree to the same.

THOMAS S. CRAGO,  
ROLLIN B. SANFORD,  
J. W. WISE,

Managers on the part of the House.

J. S. FRELINGHUYSEN,  
ARTHUR CAPPER,

Managers on the part of the Senate.



## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On No. 1: The amendment by the House proposed to pay Frank Barber a sum of \$5,000 in lieu of the proposal of the Senate to permit him to receive compensation from the War Risk Insurance Bureau. The conference committee, being unable to agree as to which provision was most desirable, finally compromised by raising the sum to be paid Barber to \$10,000.

On No. 2: This amendment by the House would strike out the provision placing Col. William A. Simpson on the retired list and insert in lieu thereof a provision for the relief of Col. Robert H. Peck. The conference committee decided to restore the provision affecting Col. Simpson and to accept the House provision for Col. Peck.

On Nos. 3 and 4: These two amendments merely correct the spelling of Maj. Daly's name.

On No. 5: The Senate conferees accepted this amendment which proposes to place Maj. Daly on the retired list with the rank of first lieutenant instead of major as proposed by the Senate.

On No. 6: The amendment by the House struck out the provision for the relief of Col. Carter and inserted one to permit the reenlistment of Omer Germain Paquet. The conferees decided that the claim of Col. Carter was just and should be paid. The Senate conferees accepted the House amendment regarding the reenlistment of Paquet, the Senate already having passed a bill providing for the same purpose.

On No. 7: The Senate conferees accepted the House amendment, a provision authorizing the appointment of Capt. Garrett, the House having inserted an amendment accomplishing the same thing at the end of this bill.

On No. 8: The Senate conferees accepted the House amendment striking out this provision.

On No. 9: The conferees on the part of the Senate accepted this House amendment for the appointment of John Elmer Wright to the rank of first lieutenant and his retirement immediately thereafter in that grade.

On No. 10: The conferees on the part of the House receded from this amendment. The conferees concluded that in view of the fact that a former bill concerning Harry Graham, which would accomplish a purpose similar to the proposed measure, had been vetoed by the President, it would be unwise to include this provision in the bill and thus imperil its chance of passage.

On Nos. 11 and 12: The conferees on the part of the Senate accepted these two amendments, the Senate having already passed similar provisions.

THOMAS S. CRAGO,  
ROLLIN B. SANFORD,  
J. W. WISE,

*Managers on the part of the House.*

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. BLANTON. I think the conferees ought to state the real facts in their report. Have the conferees given their real reasons about Harry A. Graham? They would intimate to this House that they are passing this up because they believe that by such action they will expedite the passage of this legislation, whereas I have good reason to believe that the conferees did not want this legislation passed, and I agree with them in the conclusion that they have reached on a later investigation of that matter. Is not that the fact?

Mr. CRAGO. I will state to the gentleman from Texas that that is probably true as to the personal attitude of some of the conferees.

Mr. BLANTON. But it is the attitude of every conferee who has given this matter investigation, is it not?

Mr. CRAGO. That may be true, too.

Mr. BLANTON. But we are leading the House and the Senate to believe that the House wants this legislation passed by the report of the conferees.

Mr. CRAGO. Not necessarily. We struck it out of the bill because we believed it was not fair that, regardless of the merits of this individual case, these other officers should be penalized by having the matter held up by retaining the Graham case in the bill.

Mr. BLANTON. If I were a conferee and had come to the conclusion which I have come to, and the conclusion to which

the conferees have come, that this legislation ought not to pass, I would come up and say so.

Mr. CRAGO. Members will have that opportunity when the individual bill comes up.

Mr. Speaker, I do not know that I want to take any further time in explanation of this bill. It has been thoroughly explained to the House several times, and if there are no further questions I move the previous question on the adoption of the conference report.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the adoption of the conference report.

Mr. GARD. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. CRAGO. Yes.

Mr. GARD. Will the gentleman explain just what the conference report does that he asks us to agree to? I did not hear it clearly.

Mr. CRAGO. Yes. The conference report, as shown by the statement, changes the amount that we are to pay to this English officer, who is totally blind.

Mr. GARD. Is that the officer who was injured by an explosion while instructing troops of the United States?

Mr. CRAGO. Yes.

Mr. GARD. How much is that increased?

Mr. CRAGO. That is increased to \$10,000. The situation regarding that is briefly this: It was proposed to put him on the list of beneficiaries of the War Risk Insurance Bureau. That would have established a precedent that we did not want to establish at this time, and for that reason we gave him a lump-sum appropriation. The committee figured that eventually that would amount to about the same to him, so far as money is concerned, as would be allowed one of our own officers under similar conditions. An officer in our Army would get \$100 a month and \$20 for attendance, and on his death his widow would get \$25 a month so long as she remained his widow, and so much for each child. Under this provision we settle with this officer in full, and we enable this officer, who has a wife and children, to provide himself with a little home, and we give him some recognition on the part of our Government for his great sacrifice.

Mr. GARD. And the House recedes, as I see from the statement, from the amendment which includes Capt. Graham?

Mr. CRAGO. We thought it best to do that; yes. That is what the gentleman from Texas [Mr. BLANTON] was talking about. We did not want to endanger the bill under the circumstances.

Mr. GARD. The amendments that the House put in are agreed to by the Senate?

Mr. CRAGO. Yes.

Mr. GARD. So that the only one that the House recedes from is Capt. Graham's restoration to the list?

Mr. CRAGO. Yes; except as shown in the report or statement.

Mr. GARD. That is receded from by the conferees?

Mr. CRAGO. Yes.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

## EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of cooperative live-stock shipping.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the subject of cooperative live-stock shipping. Is there objection?

There was no objection.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Minnesota [Mr. ANDERSON] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13870, the sundry civil appropriation bill, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13870, the sundry civil appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13870) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: On page 157, line 8, after the figures "\$2,600,000," strike out the semicolon, insert a colon, and add the following: "Provided, That no part of the money herein appropriated for the Immigration Service shall be expended until the Secretary of Labor has allotted to the Director General of Immigration a sufficient sum to enable the Director General of Immigration to adequately equip the border patrol guard along the border of the United States and Mexico, so that said border patrol guard shall be in sufficient numbers to prevent the entry into the United States of undesirable aliens and undesirable persons prohibited from entering this country by law."

Mr. GOOD. Mr. Chairman, I make a point of order that this amendment changes existing law.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. HUDSPETH. I should like to cite the Chair to a case directly in point, found in section 3997 of Volume IV of Hinds' Precedents, where a similar limitation was held to be in order by Chairman Dalzell, of Pennsylvania.

Also to section 3997 of volume 4, where Chairman Lawrence, of Massachusetts, ruled in order a limitation similar in all respects with this one on the District of Columbia appropriation bill.

Also to section 3999 of the same volume, where a point of order by Mr. CANNON, of Illinois, against precisely this kind of a limitation was overruled by Chairman Boutell, of Illinois.

Also to sections 4000, 4002, 3939, 3940, and 3941 of the same volume, where almost identical limitations on appropriation bills were admitted under the Holman rule.

Mr. GOOD. While this amendment starts out as a limitation, yet after we finish the first sentence it provides for an enlargement of the expenditure, requires the adoption of a plan that will mean that more money shall be expended, and that the Secretary of Labor shall not expend any money until he increases the service, and in the end that will require an additional appropriation. That is the substance of it. That can not be called a limitation. The gentleman is simply putting his amendment in a little different form than the amendment he offered last night, which the Chair held out of order. Simply to start out with a limitation does not cure the evil of the gentleman's amendment. The evil is found in the fact that this amendment still directs the Secretary of Labor to do just what the gentleman's former amendment directed him to do, and the words of limitation entirely disappear when we read the remainder of the amendment. It is not a limitation at all, but a direction, just as clear and plain and direct as his former amendment, which the Chair ruled was a change of existing law.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. The trouble is that the distinguished chairman of the Committee on Appropriations seems to be out of line with the decisions of four chairmen who have passed on this question.

Mr. GOOD. Oh, not at all. Each limitation must stand upon its own bottom, and the trouble with the gentleman from Texas, I fear, is that when he sees the word "limitation" he jumps at the conclusion that it is really a limitation, whether the words that follow the words which are a limitation on the appropriation amount to an enlargement of the appropriation or of the force. This pretended limitation is a camouflage.

Mr. BLANTON. The trouble is that, unfortunately for the distinguished gentleman, this proposed amendment offered by my colleague [Mr. HUDSPETH] has been passed on by a very prominent parliamentarian, who sat at that desk for years and gave parliamentary advice to very distinguished speakers.

Mr. GOOD. That may be, but sometimes very distinguished parliamentarians make very grave mistakes.

The CHAIRMAN. The Chair is ready to rule. The amendment proposed by the gentleman from Texas [Mr. HUDSPETH] is in the form of a limitation. While consideration must be given to the form of the amendment proposed as a limitation, for the purpose of determining whether it is in fact a limitation, still the question whether it is a limitation or not must in the last analysis be determined by whether it is a negative upon the appropriation or an affirmative direction addressed to the dis-

cretion of the officer for whose department the appropriations are made.

While the pending amendment is in the form of a limitation applying to the entire appropriation, it in fact undertakes to direct the discretion of the Secretary of Labor in a matter in which he now has full discretion.

The Chair thinks that the question involved in this limitation is similar to the question decided under paragraph 3957 of Hinds' Precedents, which is stated as follows:

The limitation must be upon the appropriation and not an affirmative limitation of official functions.

On April 24, 1900, the Post Office appropriation bill being under consideration in Committee of the Whole House on the state of the Union, Mr. W. T. Crawford, of North Carolina, offered to the paragraph appropriating for inland transportation by star routes the following amendment:

Of which sum \$50,000 shall be used, under the direction of the Postmaster General, in supplying temporary service to the newly established offices in cases where the establishment of star routes is contemplated.

Mr. Eugene F. Loud, of California, having raised a point of order, the chairman held:

It is not a limitation upon the appropriation; it is a limitation upon the functions of the Post Office Department. It takes away from the Postmaster General that discretion that he now has and is, therefore, in the opinion of the Chair, obnoxious to the point of order, and the Chair sustains the point of order.

The present occupant of the chair thinks that the precedent which he has just cited is applicable to the amendment proposed by the gentleman from Texas [Mr. HUDSPETH] and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Enforcement of laws against alien anarchists: For the enforcement of the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, and acts amendatory thereof, including salaries and expenses of officers, clerks, and employees in the District of Columbia and elsewhere, per diem in lieu of subsistence, supplies, rentals, deportation expenses, and all other expenses incident to the enforcement of said laws, to be expended under the direction of the Secretary of Labor, \$300,000; and the unexpended balance of the appropriation for this purpose, contained in the "second deficiency appropriation act, fiscal year 1920," is continued and made available during the fiscal year 1921: *Provided*, That these sums may be supplemented, if necessary, by specific allotment from the foregoing appropriation for "Expenses of regulating immigration" upon the written order of the Secretary of Labor.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 157, beginning on line 24, strike out the paragraph down to and including line 15 on page 158.

Mr. BLANTON. Mr. Chairman, I think we ought to save this \$300,000. It is absolutely useless and a waste of time and money for us to appropriate \$300,000 on this item, when all we have to do is to go to any Member of Congress who has investigated this department and learn that Louis F. Post, the Assistant Secretary of Labor, the very officer in this department into whose hands you place the expenditure of this \$300,000, is in league with the anarchists themselves, and releases them faster than the Attorney General can apprehend them.

Mr. LAYTON. May I interrupt to ask the gentleman a question?

Mr. BLANTON. Yes.

Mr. LAYTON. Is not that an indictment against the President of the United States?

Mr. BLANTON. Do you know that makes me tired when I hear that assertion, when we are convinced that an officer of this Government is an anarchist. It is simply "passing the buck." If you do not believe that fact exists, ask the chairman of the Republican Committee on Immigration, Mr. JOHNSON of Washington.

Mr. JOHNSON of Washington. Wait a minute, Mr. Chairman; the gentleman from Texas must not put words into my mouth.

Mr. BLANTON. Does not the gentleman believe that he is an anarchist?

Mr. JOHNSON of Washington. I have to take his word for it, and he says that he is not.

Mr. BLANTON. Has not the gentleman from Washington been convinced that he has been shielding anarchists?

Mr. JOHNSON of Washington. When the gentleman gets through with the floor I will take the floor and make a statement.

Mr. BLANTON. Well, I can cite the gentleman from Kansas [Mr. HOCH]; he is not weak-kneed. He will tell you that Louis F. Post is an anarchist and has been shielding anarchists, be-



cause he has a resolution in here to expel him, and it has been before the Rules Committee for days. And it would have been reported if the anarchists' lawyer, Ralston, had not been up before the committee to stop it.

Mr. LAYTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAYTON. I would like to get this matter straight. Why does not the President act?

Mr. BLANTON. Why, why does not Congress act, I will ask the gentleman. Why "pass the buck"?

Mr. LAYTON. You can not "pass the buck"; it is the President who should act if he has an official whom he believes to be an anarchist. Therefore the gentleman's statement is an indictment of the President as being in favor of anarchists.

Mr. BLANTON. I will tell you, if I thought that Congress was sick in bed and had been for some time I would not appeal to you. I believe you fellows over there are sick; you have got some kind of a malady because you do not act. But you are not sick in bed and have not been confined in bed for months, and therefore I am not going to the President in this appeal, but I am going to you, because you have the right, you have the power, you have the authority, if your knees do not weaken. [Laughter.]

Mr. LAYTON. Then the gentleman's conclusion is that we have a Government that is acephalous?

Mr. BLANTON. No; the gentleman is a distinguished physician; he has attended other men in this Nation who have been sick. That is one incident of human life, to get sick; and the gentleman from Delaware ought to know that better than anyone else. Are you going to condemn a man because he is sick? Are you going to condemn a man because good health has left him by reason of strenuous service to his country? It possibly might overtake some of us some day.

Mr. LAYTON. Suppose the captain of a ship is taken sick; who takes his place?

Mr. BLANTON. The next one in power. If the captain of this ship is sick, you are the next in power; but you will not act. Why do you not act? Congress has the power. Why do you not act?

Mr. LAYTON. Does the gentleman admit that the President is incompetent to act as President?

Mr. BLANTON. Oh, no; I do not admit any such thing. Oh, take the whole bunch of your party and combine you all together, and, absolutely well, you have not got half the ability that that sick man in the White House possesses right now.

Mr. LAYTON. Then, why does he not act?

Mr. BLANTON. Because he is sick.

Mr. LAYTON. And he can not act?

Mr. BLANTON. He will act when he gets well, and he will act in such a way that he will make you all sick when he gets well. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GOOD. Mr. Chairman, I would like to see if we can not agree on time for debate on this paragraph. I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on the paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment which proposes to strike out the paragraph for the enforcement of the law against alien anarchists. You will not get anywhere by striking out the appropriation of what little money we have, I dislike to hear any Member stand here on the floor and actually charge an officer of the Government with being an anarchist. I dislike further to have any Member put such words in my mouth. We all know that a resolution is being considered in the Rules Committee which might lead to a resolution of impeachment. Every Member of this House knows that impeachment charges are not lightly made; that they are of the highest privilege, and must be handled with dignity and the greatest fairness. To bandy the word "anarchist" about and charge it against any officer of the Government is to do just what that officer charges that Congress has done in its immigration laws; he charges that the law makes the word "anarchist" a verbal brickbat. I do not think the law uses the word in any such way. I think Mr. Post has read into the law what he should not have done.

I do not want my valiant friend from Texas to charge me with being weak-kneed simply because I want any part that I may have in the inquiry to be a fair one. The work of the Immigration Committee will go on. There is much yet to do in

that committee, regardless of what may be done by the Committee on Rules.

I do say that in my opinion the Assistant Secretary is too sympathetic with attorneys for revolutionary alien clients who strive day and night against this Government. The Assistant Secretary is reached by personal visit or by telephone or otherwise, and in such cases the deportation warrants of such aliens are held up and very often decisions reversed after the statement has been made that the alien should be deported. The decision of the Secretary of Labor is supposed to be final, but it is not, apparently. In some of these cases no new evidence is offered.

We may get a few deportations of aliens of the anarchistic classes some day. On the *Buford* last December went 241, all properly deported. About 20 more have been sent. A few more are ready to go. Some one will really represent the Government one of these days and more will go.

It was presumed that on next Saturday a party of Russians would pass out of New York on a vessel for Odessa. Lo and behold, however, the ship that sails that day is not a ship of the United States, but is a carrier which goes only to Constantinople, and there the authorities would have to transship these deportees to Russia. Strange as it may seem, whatever Government rules at Constantinople now declines to have these alien anarchists who have been picked up in the United States within the limits of Constantinople for a single day. We have had many difficulties through the hairsplitting of our laws in getting these anarchists up to the point of deportation, and now they are not to go. Perhaps they will be released on nominal bond, for that has been a custom.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. KING. I have seen it stated in the public press, and I want to ask the gentleman as to the truth of it, that the Russian government has offered to pay the expenses of all of the ships necessary to take the undesirable Russians home.

Mr. JOHNSON of Washington. I do not know what the gentleman means by the "Russian government."

Mr. KING. Any government that is in control there.

Mr. JOHNSON of Washington. These anarchists themselves, these members of the Russian Workers, who start their platform by saying "We are anarchists; we are atheists; we are revolutionists," appeal to their representative to this Government, Ludwig Martens, who himself is being held on a deportation warrant, the final decision on which is not yet made, it having been postponed one or two times. They say he will take them free of charge. I hope our Government will be able to send Mr. Martens and all the rest of these Russian agitators, revolutionists, and communists, who have avowed themselves openly to be anarchists and against this Government, back to their own Russia.

Mr. KING. Has any government in Russia offered to pay the expenses of the deportation?

Mr. JOHNSON of Washington. Oh, they say so; but I do not think so.

Mr. VAILE. If this appropriation for expenses of deportation be stricken out, could we give a better excuse, then, for complete failure?

Mr. JOHNSON of Washington. It would be complete failure.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MILLER. Why is it necessary to deport these anarchists via Constantinople to Odessa? Why not send them by the northern route and deliver them into a port of Russia?

Mr. JOHNSON of Washington. I think as a matter of economy they are trying to find some commercial vessel sailing to some port in Russia. What I want to say to this membership is this: In my opinion, the whole immigration system is in a wretched state. I am not sure but that we will have to ask authority for a select committee to be appointed by the Speaker to sit during any recess that we may have for the purpose of rewriting the entire immigration and naturalization laws. I believe that to be necessary. It would be quite a heavy task. It is charged that these immigration laws are a crazy quilt, patched up, and they are, and it is a fact that in all of the immigration laws we have written we have marched up the hill rather stiffly, and then put a little loophole in whatever we have done sufficient for some officer who is not in sympathy with the law to find a way to escape it.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. Is it not a fact that so far as the Committee on Immigration and Naturalization have gone under the resolution giving them the power, we have found that the law is now suffi-

cient and ample, but that the main thing is that there shall be more men to assist in its enforcement?

Mr. JOHNSON of Washington. Very largely so. If the gentleman will excuse me, I want now to call attention to this fact: This whole thing is a lump-sum appropriation. You have heard the appeal that a certain sum should be set aside for the protection of the Mexican border. That sum is needed. A similar sum is needed for the protection of the Canadian border. Yet out of this total sum comes the payment of all of the immigrant inspectors we have. At the port of New York 85 per cent of all the immigrants come in, and, in my opinion, there is at that port an entirely insufficient and underpaid number of inspectors. When an inspector quits in any port of the country it is almost impossible to fill his place. Inspectors must be men of high character; they have to be men with some understanding of the immigration laws. Further, the public is misunderstanding the whole deportation procedure. You will find the cry put up that men are being railroaded out of the country, and that cry is based upon the belief by people that every man held for deportation is entitled to a trial by jury, a full court trial. That is not the law at all. He is entitled to a hearing before the inspector.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. Did the gentleman hear the statement of the attorney representing Mr. Post before the Committee on Rules?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. He makes the open charge that the Department of Justice is gathering up a lot of people on nothing more than mere suspicion, and that is a serious charge.

Mr. JOHNSON of Washington. I discussed that yesterday briefly, but I think in the bulk of those cases that the Department of Justice secured from the Department of Labor proper warrants on which to make arrests. They made arrests, however, in the form of raids, and where they gathered up many that they wanted with the Department of Labor warrants, they gathered also others with no warrant. The congestion was such that it took some time to sort them out and release them.

Mr. FESS. There is no necessity for more law, is there?

Mr. JOHNSON of Washington. Perhaps not, but I think that we would benefit by having as law the bill that this House passed by unanimous vote in the middle of last December, in which we made it a deportable offense for an alien to circulate revolutionary literature; that is, literature preaching the overthrow of this Government by force and violence. I can not see why an alien should be permitted to do that. I have a book here full of the stuff they actually distributed, and it is criminal. We hear this discussion of philosophical and other kinds of anarchists, and here they are. Here is some of their philosophical group, and then they are pictured here altogether, the good and the bad. There is Tolstoy, the fine one, from their standard, and here is Johann Most, the vicious one, all grouped together, all for revolution; and all of them in the United States who are aliens are deportable without any "ifs" or "ands" about it, Mr. Post to the contrary notwithstanding.

Mr. FESS. How do you know how to differentiate the good from the bad in literature?

Mr. JOHNSON of Washington. You can not. If the literature openly advocates the overthrow of this Government by force and violence and aliens belonging to the Communist Party, the Communist Labor Party, the Socialists, or any other party, distributes that literature, that can be made by this act of ours an overt act sufficient to warrant deportation, but until we do that we are not clearing up the situation in the United States in my opinion.

The CHAIRMAN. The time of the gentleman has expired. Mr. JOHNSON of Washington. I hope this amendment will be defeated.

Mr. GOOD. Mr. Chairman—

Mr. RAKER. Mr. Chairman, before the gentleman proceeds, this is an important matter and I think some of the matters ought to be cleared up, and I ask that I may have five minutes on this particular subject.

Mr. GOOD. I think we have thrashed over this matter pretty thoroughly and—

Mr. RAKER. I want to say to the gentleman this: I am painfully disappointed in the statements made this morning in regard to the Immigration Service.

Mr. GOOD. Mr. Chairman, I ask that the gentleman be permitted to speak for five minutes in addition to the time already agreed upon.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman be permitted to speak for five minutes notwithstanding the unanimous consent already agreed to. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, the Committee on Immigration have had this entire subject up for the last three months and more. We have held hearings here in Washington, New York, and elsewhere. We have had many men before the committee in regard to our immigration laws, and in regard to our naturalization laws. We have had inspectors from the Mexican border, from Tia Juana down to Brownsville; we have had inspectors from along the eastern coast and inspectors from the Canadian border that are in that part of the country as representatives of the United States Government; also from Philadelphia, St. Louis, Chicago, and elsewhere. I want to say to the committee that there is no question that there has been no one able to point out before that committee an imperfection in the law whereby we can not deport and dispose of these anarchists if we want to do so. The question is that we have not sufficient men in the service. Their compensation has not been sufficient. Along the Canadian border from Maine clear out to the Pacific Ocean it is shown that they can come through by the trainload without apprehension, and along the Mexican border there is no doubt from the unquestioned testimony that men can come over now at all times, anarchists and otherwise, because we have not enough inspectors along the line to guard it. The same way with regard to those who land on the vessels, and by personal inspection of the committee it has been demonstrated to us, so that no one can say to the contrary, that what we want is more inspectors there to do that work.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAKER. I would rather not. I desire to state this, and if I have any time I will yield to the gentleman. So the question that comes up is the question of more men to do the work. The question is of more men to assist in gathering together these men who are violating the law who are in this country, and no man yet has been able to say before that committee, from the very best lawyer in New York down, who by cross-examination has had to admit before that committee there are upon the statute books laws whereby we can have public hearings and whereby an arrest is made under the law, whereby an opportunity is given the party for a full and complete open hearing with counsel to represent him in every proceeding from the start to the finish, from the arrest of the man to the final determination of the Secretary of Labor. We do not need to change the law; all we want is more men to enforce it. Now, as to the question of the deportation of the anarchists there can be no question but what many, many men have been arrested and have been turned loose who should not have been. The Secretary of Labor rendered a proper decision relative to the deportation of anarchists, and that should be determined under that decision.

Some 10 days ago our committee ceased functioning and if we had gone on and continued going on under the authority given by this House for the subpoenaing of witnesses and swearing them we would have been able to bring before the House and bring before this department a sufficient presentation that these men would be continued to be sent abroad, as they should be, and there would be no fault in the law. Secretary Wilson's decision upon the question is ample and sufficient. He says if these men have violated the law, he says if they belong to organizations which teach anarchy and the destruction of property, teach the assassination of public officials and the overthrow of this Government, why should not they be deported? There is no need of camouflaging; there is no need of making a political question out of this. It is simply a question of enforcing our laws; but we have not enough money and we ought to appropriate it instead of striking out that which is already in the bill, for the purpose of carrying out the provisions of our present laws.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record, and I desire to insert in those remarks a statement made by Mr. Parker, under investigation before our Committee on Immigration, showing the cause and the charge against the 249 reds who were sent from this country last December. It has not been published, and I think the country ought to know the facts.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the Record by including the material to which he refers. Is there objection?

Mr. MANN of Illinois. Mr. Chairman, reserving the right to object, how long is that?

Mr. RAKER. It is, I think, about six pages. It shows—

Mr. MANN of Illinois. Of printed hearings?

Mr. RAKER. Yes, sir.

Mr. MANN of Illinois. I have no objection.

The CHAIRMAN. The Chair hears no objection.



Mr. GOOD. Mr. Chairman, I am at a loss to understand the position of the gentleman from Texas who makes the motion. On yesterday a motion was made to increase the appropriation to the Attorney General to arrest the reds and the alien anarchists in the United States by \$500,000, and the gentleman from Texas voted for the amendment.

Now, under the law, after there is once an arrest, the question of the trial and judgment is all turned over to the Department of Labor, and out of this appropriation the trial proceeds to judgment, and the Secretary of Labor renders the judgment. Now, the gentleman would have them arrested, thrown into jail without any appropriation for their trial or deportation when they are found guilty.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. That would be certainly a useless thing to do.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. The reason I am willing to give money to the Department of Justice and not to the Department of Labor is that I have full confidence in the integrity of the Department of Justice and not in the other.

Mr. GOOD. But what the gentleman would do would be simply to waste \$500,000 by giving it to the Department of Justice, because no beneficial result would flow from it, if we stopped with the arrest. Now, I think there is a very healthy sentiment on both sides of the House with regard to this whole question. If there is a man here, I do not care on which side of the House he sits, who is not in favor of a vigorous enforcement of this law, I do not know who he is. I think there is a feeling on both sides of the House, quite generally, that the Assistant Secretary of Labor is not performing his full duty in this regard. Now, we appropriated \$750,000 for the trial and deportation of alien anarchists in a deficiency bill, and on April 22, when the department came before the Committee on Appropriations asking for this appropriation of \$600,000 for deportation, they had expended only \$45,000 of the \$750,000 and incurred obligations, they estimated, of approximately \$170,000. That was on April 22 of this year.

Now, certainly this department is not functioning very vigorously along this line, but the position of the committee was that this law should be enforced, these alien anarchists deported, and whether Mr. Post is to be entrusted with the enforcement of the law next year or not I do not know, Congress does not know, but the committee was positive of one thing—that every red-blooded American in favor of the enforcement of the law and the deportation of every alien anarchist in the United States should go forward with that work, and that ample funds should be provided for the purpose. That is the reason for the appropriation. [Applause.]

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. JOHNSON of Mississippi. Instead of striking it out, would it not be better to give more to the department, and would not the striking of this out destroy the usefulness of that department?

Mr. GOOD. I think we have appropriated all that is necessary.

Mr. JOHNSON of Mississippi. Would it not destroy the usefulness of this department at this time?

Mr. GOOD. It would have, of course, some money of the regular appropriation to carry on deportation work; but it would have no money to carry on the work at all on a plan commensurate with the undertaking of the Attorney General. And the two things go hand in hand.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The question is on the amendment of the gentleman from Texas [Mr. BLANTON] to strike out the section.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RAKER and Mr. MANN of Illinois demanded a division.

The committee divided; and there were—ayes 1, noes 93.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For refund of immigration fine erroneously assessed and collected from J. D. Spreckels & Bros. Co. at San Francisco, Calif., \$200.

Mr. BEE. Mr. Chairman, I interrupt in order to ask the gentleman from Iowa with reference to this \$200 item of refund to J. D. Spreckels & Bros. Co. How does that get in the sundry civil bill, and why do not J. D. Spreckels & Bros. Co. take the usual course if this has erroneously been paid?

Mr. GOOD. It is one of those cases, a rather unusual case, where the reimbursement could not be made without an appropriation. The case, as I recall, is of an illiterate alien. It was thought that this alien was of a class that should be excluded,

and, proceeding upon that assumption, the steamship company was fined \$200. It subsequently developed that the alien was not of that class and was entitled to enter the United States, and now it is necessary to reimburse the steamship company for the actual amount of the fine that was paid.

Mr. BEE. I am not questioning the justice of the claim; but I have in mind, as a member of the Committee on Claims, bills pending before the committee that have been there for years, on the question of refund of taxes, and the gentleman from Michigan has one for the refund of a fine. I just wondered why J. D. Spreckels & Bros. Co. did not take their course through the Committee on Claims and have a bill introduced for their relief instead of providing for it in the sundry civil bill?

Mr. GOOD. I am advised that in cases of this kind, where a collection had been made through mistake in judgment—an erroneous collection—reimbursements have always been carried on this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### NATURALIZATION SERVICE.

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stats. L., vol. 37, p. 736), and May 9, 1918 (Stats. L., vol. 40, pp. 542, 548, inclusive), including not to exceed \$50,000 for personal services in the District of Columbia, and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed \$13,400 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 600), as amended by the act approved June 25, 1910 (36 Stats., p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917; and for mileage and fees to witnesses subpoenaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, \$525,000: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts.

Mr. BLANTON. Mr. Chairman, I make a point of order against the following portion of the paragraph. On page 159, beginning with line 23:

And for such per diem together with actual traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia.

For the reason that it is new legislation and unauthorized by law. I call the chairman's attention to the fact that the per diem traveling expenses are fixed by law. This is an attempt to enlarge it and leave it unlimited, without any amount fixed even, and to let them be confined to whatever may be termed actual traveling expenses, without any limitation on them whatever. There is no law for it, and it is unauthorized.

Mr. GOOD. This does not change the law. The general law provides that the limit shall be a per diem of \$4, and not to exceed \$5 actual expenses.

The CHAIRMAN. The Chair will suggest that this amendment does not limit it to \$5.

Mr. GOOD. That is existing law. There is nothing in this provision that gives them the right to exceed what is provided in the general statute.

Mr. MANN of Illinois. It is clearly an appropriation. Money under the law could not be paid out of an appropriation. This is merely an appropriation, and the money that is expended must be expended under the law. This does not change the law.

Mr. BLANTON. If there is law for it, there is no need for this appropriation.

Mr. MANN of Illinois. Oh, yes. There is need for appropriation. This is merely descriptive of the purpose of the appropriation.

Mr. BLANTON. The chairman is a good lawyer, and he knows that under the provisions of this clause, as written, it would not be limited necessarily to the \$5 a day as a maximum.

Mr. MANN of Illinois. Mr. Chairman, of course, this is merely descriptive of what the \$525,000 at the end of the paragraph is for. It does not enlarge the law or change the law, and without the language the \$525,000 could not be paid for per diem expenses as the law provides, because there must be an appropriation as well as a law for the payment of the money. This does not change the law.

Mr. GOOD. Mr. Chairman, the law provides as follows:

On and after July 1, 1914, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence

while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 a day.

Now, we are not changing that law. This appropriation, as stated by the gentleman from Illinois [Mr. MANN] is just descriptive of the purpose for which the money can be expended.

The CHAIRMAN. The Chair is ready to rule. The Chair was under the impression, when the point of order was first raised, that the purpose of this language was to repeal the law which limits the actual expenses which may be allowed to an officer of the Government while traveling on official business to \$5. On careful examination of the provision the Chair is of the opinion that the provision to which the gentleman from Texas [Mr. BLANTON] makes the point of order does not change the existing law, and would not authorize the allowance of traveling expenses in excess of the amount fixed by law, but is simply an appropriation of an amount for the purpose of payment of the expense which is authorized by law.

Mr. BLANTON. Mr. Chairman, under the construction placed upon the law by the Chairman, the department would necessarily be guided by it, and therefore I withdraw the point of order.

The CHAIRMAN. The Chair overrules the point of order, and the Clerk will read.

Mr. SIEGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIEGEL: Page 160, line 14, after the word "prescribe," strike out the figures "\$525,000" and insert "and the requirement in section 4 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), that an alien shall file a certificate of arrival from the Department of Labor with the clerk of the court at the time of filing a petition for naturalization, is hereby repealed, \$520,000."

Mr. RAKER. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from California makes a point of order against the amendment.

Mr. RAKER. The point of order is that it is new legislation. The law now requires, under the fourth section of the act of June 29, 1906—Thirty-fourth Statutes at Large, part 1, page 596—that the party on application for naturalization shall present a certificate of his landing, and this would repeal that. The legislative, executive, and judicial appropriation bill, which came in here some time ago, carried an amendment of that kind, and the Chair held it out of order.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. SIEGEL. I do. By the adoption of this amendment we would save at least \$5,000, reducing the amount from \$525,000 to \$520,000. It would do away with the proposition of requiring every applicant for citizenship to produce a certificate of arrival.

I hold a letter in my hand from the Assistant Secretary of Labor, dated April 30, 1920, showing conclusively that at the port of New York at the present time there are 10,000 such applications that can not be acted upon, and that they are behind at least five months in acting upon them. They are behind at Montreal several months, and at various other ports the same regrettable condition prevails. I may also add that the Committee on Immigration and Naturalization has reported a bill, H. R. 13646, which repeals the certificate-of-arrival provision; and by the adoption of this amendment we would relieve at least a dozen clerks from doing this useless work and at the same time save \$5,000. The newspapers and others interested in having aliens become American citizens, including the Bureau of Naturalization, are all in favor of the adoption of this amendment.

The CHAIRMAN. The Chair is ready to rule. The amendment of the gentleman from New York [Mr. SIEGEL] inserts the following provision in the paragraph under consideration:

And the requirement in section 4 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), that an alien shall file a certificate of arrival from the Department of Labor, with the clerk of the court at the time of filing a petition for naturalization is hereby repealed, \$520,000.

To this proposed amendment the gentleman from California [Mr. RAKER] makes the point of order that it is new legislation and therefore not in order on an appropriation bill.

The gentleman from New York [Mr. SIEGEL] contends that the amendment is in order under the Holman rule, because it reduces expenditures. The Chair thinks that the Holman rule, properly construed, so far as it relates to amendments offered by a Member on the floor, only permits legislation in the sense of legislation reducing the number or salary of officers of the United States or the compensation fixed by law to be paid out of the Treasury of the United States to such officer, or by reduction of the amounts of money carried by the bill; that

the Holman rule does not contemplate the repeal, or make in order amendments which in effect repeal, the substantive provisions of law.

The Chair is aware of the fact that the opinion he is now rendering is in some respects not in line with the decisions which have recently been rendered by chairmen of the Committee of the Whole. The Chair will not at this time undertake to go into those precedents. The Chair is of the opinion that an amendment repealing substantive provisions of law is not in order under the Holman rule. The Chair therefore sustains the point of order.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to insert in the RECORD a letter from the Department of Labor on the subject.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks by inserting a letter from the Secretary of Labor. Is there objection?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF LABOR,  
OFFICE OF THE ASSISTANT SECRETARY,  
Washington, April 30, 1920.

HON. ISAAC SIEGEL,  
Representative in Congress, Washington, D. C.

MY DEAR MR. SIEGEL: In response to your letter of the 27th instant to the Commissioner of Naturalization, I beg to say that the delay in furnishing certificates of arrival for naturalization purposes is not due to any congestion in this work prevailing in the Bureau of Naturalization. For some time past that bureau has kept this line of work in such a state of currency that applications for certificates of arrival are handled by it on the date of receipt, or at most one or two days following. The delays are at ports of entry, where they are caused by apparently unavoidable congestion of other work.

To illustrate the state of arrearage in certificate of arrival work at Ellis Island, I may say that applications for such papers which the Bureau of Naturalization referred to Ellis Island in December, 1919, are now being received back with the required arrival certificates. This degree of arrearage has existed for many months past. I have at present no way of accurately stating just what congestion in this work exists at Ellis Island, but I would estimate that the Ellis Island immigration authorities now have on hand about 10,000 applications for certificates of arrival. These consist of applications received at that port from the Bureau of Naturalization, commencing from the early part of December, 1919.

Another port where a similar degree of arrearage exists, although not in the same proportion as regards numbers, is Montreal. At the other large immigration ports, such as Boston, Philadelphia, and Baltimore, the delay in furnishing certificates of arrival is comparatively slight and not sufficient to suggest ground for complaint.

Very sincerely, yours,

LOUIS F. POST,  
Assistant Secretary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent expenses: For contingent and miscellaneous expenses of the offices at Washington, D. C., including purchase of blank books, maps, stationery, file cases, towels, ice, brooms, soap, freight and express charges; telegraph and telephone service; printing and binding; and all other miscellaneous items and necessary expenses not included in the foregoing, and necessary to collect loans made to corporations and associations, \$20,000.

Mr. BLANTON. I move to strike out the last word. I notice under this heading which carries this \$20,000 appropriation there is an item for printing and binding. The gentleman will remember the very large book which this Housing Corporation got out—an illustrated book with fine steel engravings in it, and so forth. It must have cost a great deal of money. Is the chairman going to permit that to be done over again?

Mr. GOOD. If the chairman of the Committee on Appropriations could stop some of this useless printing and binding he would certainly do it. That is not the only department of the Government that has engaged in this practice. One newspaper has sent me the dope that it received in one week from all the departments of the Government. Here it is. Most of the letters unopened. They say they do not open them.

Mr. BLANTON. But the gentleman is going far afield from the subject. I am confining it to this Housing Corporation, which got out this very large illustrated book with steel engravings in it. Is that going to be done over again this year out of this \$20,000?

Mr. GOOD. At the time they got out that book they had unlimited funds. I do not think they propose to engage in any printing of that kind. It was the intention of the committee that the printing and binding and other expenses should necessarily be very limited. The Housing Corporation is a liquidating proposition. There is a bill now in conference—

Mr. BLANTON. Then if they go beyond the liquidating proposition in this printing and binding, they will go beyond the express will of this Congress?

Mr. GOOD. They certainly will. They certainly would not be warranted in going to any expense in republishing the book to which the gentleman refers, or anything like it.

Mr. CLARK of Missouri. Will the gentleman yield for a question?

Mr. GOOD. Certainly.



Mr. CLARK of Missouri. Is there no way in the world to stop the departments from running their printing presses?

Mr. GOOD. I do not know. There ought to be. Here is one publication entitled, "Preface to a Report of the United States Food Administration, by Herbert Hoover, April, 1920." Here are three copies of it received by one newspaper on one day, all printed on a very expensive calendared paper. Here are other reports, from all the departments, coming to this one newspaper every week. They say they do not read them, do not open them; that they throw them in the wastebasket; yet these Government clerks, 100,000 of them, are here in Washington, and it must be necessary to keep a great many of them just sending out this useless stuff.

Mr. CLARK of Missouri. I know that half the country newspapers protest against receiving these things at all.

Mr. GOOD. Certainly, and they are objecting to the useless waste of paper in this way, which deprives them of the paper they would like to have to publish their little papers.

Mr. BLANTON. Can we not stop it?

Mr. GOOD. It is an administrative proposition. The Congress can not run the legislative branch and the administrative branch too.

Mr. BLANTON. If we cut off this \$20,000, they would not have the \$20,000 to spend.

Mr. GOOD. The United States Housing Corporation have about \$60,000,000 worth of property. They are selling that property, and selling it on payments. There is a good deal in the way of notices and things of that kind that must be sent to buyers, and for that purpose they must have a fund.

Mr. MANN of Illinois. Mr. Chairman, it is not always so easy to control these printing expenses. We may cut down the appropriation. Very recently some of the departments sent in deficiency estimates for appropriations and said that they were absolutely essential, that they must have additional money in order to be able to print the necessary data from day to day; things that ought to be printed, things that everybody believes ought to be printed. We can not specify in an appropriation bill in every case just what documents shall be printed with the money appropriated. This sort of extravagance in printing is not chargeable to any political administration. It is just the natural tendency and desire of men who wish to put into print something that has emanated from their brains—or lack of brains—and it is not entirely confined to administrative officers; because the CONGRESSIONAL RECORD shows that that feeling pervades even the sanctity of this Chamber, and sometimes I have suspected that it has even reached the person of my beloved friend from Texas.

Mr. BLANTON. I admit it. The CONGRESSIONAL RECORD is the best medium on God's green earth with which to reach the people of the United States, because it is absolutely uncensored, and the newspapers are not.

Mr. MANN of Illinois. People do not read the CONGRESSIONAL RECORD. The newspapers which receive the CONGRESSIONAL RECORD, as a rule, throw it in the wastebasket without taking off the cover, and nearly everybody else does.

Mr. BLANTON. The people are beginning to read it.

Mr. MANN of Illinois. The gentleman from Texas reads the CONGRESSIONAL RECORD because he has so much in it.

Mr. BLANTON. And the best things I ever read in it are speeches made in fights conducted on the floor by the distinguished gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Oh, they were good; but I did not take the trouble to read them.

Mr. BLACK. Mr. Chairman, on this subject of printing unnecessary documents the statement has been very properly made that Congress is not always responsible for what the heads of the executive departments print; but I want to take this occasion to call the attention of the House to the fact that each day there is sent to the membership the House Calendar, which, in my opinion, contains quite a good deal of unnecessary matter. Since I have been a Member of the House, the Sixty-sixth Congress is the first Congress in which that has been done. Heretofore we got our calendars over at the House document room or down at the desk whenever we wanted them. Now, I have no complaint to make at the custom of sending out the House Calendar to the offices of Members, but in that calendar is printed an index of bills. The whole document makes 108 pages daily, of which only 30 pages are devoted to the House Calendar and the other seventy-odd pages consist of an index that is printed from day to day, and is practically a reprint every day.

It is a waste of 30,000 pages of good white paper every day, and it occurs to me that a more businesslike and sensible method could be devised for printing the calendar. It is absolutely unnecessary to print this index of bills oftener than once a week. The printing of those 70 pages every day is nothing but waste and should be stopped. I made this suggestion to the Clerk of

the House some time ago, but he has not seen fit to make any change. I hope those in charge of the printing of the calendar will devise some method to stop it. The item, of course, is not so very large, so far as money is concerned, but I am opposed to waste in any form, and the instance I have pointed out is a conspicuous example of it, and it is right under the nose of Congress.

Mr. MANN of Illinois. Mr. Chairman, the calendar used to be printed three times a week. I always thought myself that that was a sufficient number, but the House at one time concluded that it ought to have the calendar printed every day, and it has been printed every day. Now, the most valuable part of the calendar is the index.

Mr. BLACK. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BLACK. It occurs to me that the index printed in the calendars is practically identical with what is known as the weekly or monthly compendium compiled under the direction of Mr. Loomis of the House.

Mr. MANN of Illinois. Which I think is practically valueless.

Mr. BLACK. One or the other ought to be discontinued; it looks to me like an exact duplication. The House is free in complaining about duplication in the Government departments. Let us stop it in our own printing.

Mr. MANN of Illinois. They are not a duplication at all.

Mr. BLACK. Does not the gentleman from Illinois admit that they are substantially a duplication of each other?

Mr. MANN of Illinois. I will be frank with the gentleman and say that I have at different times casually examined Mr. Loomis's publication. It is of no value to me whatever and no value in my office. The calendar is. The daily calendar is carefully examined every day in my office. If it was only published once a week I would get along, as far as I am concerned. An index to do any good must be up to date. There is where Members look to see the status of legislation. Every day we are asked in letters, and so forth, concerning the status of various pieces of legislation. If a bill has been reported to the House or passed by the House the index in the calendar gives the information. That is the way I acquire my information; I do not know how others get theirs. I do not believe in duplication of work. I think if we had a calendar printed two or three times a week it would be sufficient.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MANN of Illinois. Certainly.

Mr. MOORE of Virginia. In view of the great experience of the gentleman and the great respect I have for his opinion, I want to ask him whether he thinks it would be worth while to undertake some method of notifying Members a little in advance of the business which is to be transacted the following day?

Mr. MANN of Illinois. It is not possible, any more than it is possible in court. In court they give notice of the cases that will be called on a certain day, and yet frequently I have had cases on call for three or four weeks without being reached.

Mr. MOORE of Virginia. I have found that in other legislative bodies—of course, the analogy may not be a strong one between the procedure possible here and that of other bodies—that such a practice obtains. For instance, in the French Assembly there is a notification given the evening before of business to be brought up at the next session, and so in Germany, and so in a modified way in England.

In 1861 there was a commission appointed in England by the House of Commons to revise the rules of that body, and on that commission were such men as Disraeli, Palmerston, and Bright. They brought in a report stressing it as something of the greatest importance that the House should know in advance the business to be transacted at a particular session, and then adhere to the program. I have thought that something of that kind might be devised here.

Mr. MANN of Illinois. I do not think it is possible, although I am free to say that I am not caught by surprise at anything that comes up. I think I can tell, as a rule, a day or three days ahead what is coming up better than the men that bring it up.

Mr. MOORE of Virginia. May I say a word further, because I am extremely anxious to get the gentleman's opinion? I think in the extra session we acted on 21 matters under rules which were brought in by the Committee on Rules. The matters referred to in those rules, with a single exception, were taken up immediately on the adoption of the rules.

I do not see how anybody could have known in advance, unless he was in the confidence of the Rules Committee or in the confidence of the leaders of the majority who are largely responsible for the course of business in the House, what was coming up. It seems to me it might be understood that a matter



to which a special rule pertains should not be taken up, except in case of emergency, until, say the day after the rule is adopted.

Mr. MANN of Illinois. The gentleman proposes a method of killing time. Take this case that we have to-day. Here is the sundry civil bill. The majority leader said the other day that we would finish it last week. I did not think that we could finish it before the end of this week. Both of us are mistaken. It comes up to-day with 30 pages unread. It might have been finished at 2 o'clock. Then what are you going to do, adjourn or go to something else?

Mr. BLANTON. Go fishing.

Mr. CLARK of Missouri. Mr. Chairman, I would like to have the gentleman's time extended 2 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, in the first place I want to remark that the gentleman from Illinois owes it to the House to get up some day and make a full exposition of how he learns so much about the business of the House. I have been industrious, but not as industrious as he has.

Now, as to the matter in controversy, why not have a bulletin board at the corner of the desk, like they have in churches. Somewhere about the pulpit they have a board on which a statement is made of the hymns that they are going to sing, in large letters, so that everybody in the congregation can see what they are. I do not see why that could not be done here. The Rules Committee ought to be compelled to give 24 hours' notice every time it brings in a rule.

They bring it on the House suddenly, and the House does not know a thing on the face of the earth about what is in the rule—no one except the Rules Committee, and several of that committee do not know it, for some of them do not attend the meetings. One must go to the gentleman from Kansas [Mr. CAMPBELL] to find out when he is going to bring this rule up. Every day 25 or 30 men will come to me, or pass where I am sitting and ask me what is going to come up to-morrow, or when a certain thing is going to come up. I do not know, and there is no way of finding out. I go over and ask Mr. MONDELL, and he does not know. I do not think there is any intentional effort to keep the House in a fog about what is coming up, but people ought to have fair notice because they are interested in some bills and not interested in others.

Take the "chicken-feed" business, as the gentleman from Illinois [Mr. MANN] terms it, which comes up on Unanimous Consent Calendar day. Half of the Members in the House do not care three whoops about it, and they do not want to be dragged over here and kept here. A few make a specialty of it, as the gentleman from Illinois does. He knows what is coming up on the calendar and what he is going to do about it. He already has his amendments fixed, and he will get hold of a fellow here and worry him nearly into insanity, and then finally state to him that if he will accept his amendments, which he already has typewritten, he will not object to his bill. In order to get the bill through in some shape, the man interested in it will accept any amendment on earth that the gentleman from Illinois suggests.

Mr. MANN of Illinois. And they are always good ones.

Mr. CLARK of Missouri. Most of them are good ones. I admit that. The records of this House for the last 10 years will show that the gentleman has had more bills through and more amendments put on bills than any 10 other men in the House. He pursues that course, and he ought to get down here and explain how he does it, so that somebody else can have as much information as he has, if that is possible, which I doubt.

Mr. MANN of Illinois. Mr. Chairman, I do not ask five minutes to explain how I do it, but I do ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN of Illinois. The gentleman from Virginia [Mr. MOORE], one of the ablest Members of the House, suggests that in other parliamentary bodies they are able to tell in advance what is coming up for consideration. That is frequently done in State legislatures, where bills are called on the first, second, and third reading, and it is not difficult to determine. There is no other Government in the world that has our form of irresponsible executive government. It is not difficult in other parliamentary bodies, where the executive consists of members of the legislative branch of the government, who have control of legislation, so long as they have the confidence of the chamber and remain in power, to tell what is coming up. When they lose power they go out of office. They determine what is coming up, and it is not difficult to do so. In this body there are a good many different committees, many of them of practically

equal influence, and there is a constant strife between members of committees in this House who have reported bills as to which bill shall be taken up in preference to bills reported from other committees. There is no call of the calendar in this House, and if there were, we probably never would get through business. The only calendar that is called is the Unanimous Consent Calendar, and that is an entirely different thing from calling the calendar as it is usually understood. We have our form of government, with no centralization of authority in the legislative branch, and there can not be as long as we have our present form of Government, and there will always be this strife of effort on the part of Members and committees to have considered first the bills in which they are interested. You never can tell very far in advance how that will come out.

Whenever there has been any centralization of authority in this House, there has been an outcry against it. Take the cry of "Cannonism" in this House a few years ago. The former Speaker of this House, Mr. CANNON, had working under him, not an autocratic organization at all, but the smoothest working legislative machinery that has ever been known in this House. There was not very much controversy. Men were given an opportunity. More legislation was enacted during that period than during any other period of Congress, but there was an outcry against it, as there will be shortly against the power of the Committee on Rules, which constantly will seek to assume additional control of the House. Whenever you get this centralization of authority, you get with it the fight against it, because those who are not given preference are opposed to it. There are a great many bills on the calendar now that gentlemen want to have passed. Most of them ought never to be passed, but the Members who are interested in them want to get them considered. You can not tell very far in advance just the minute when something will come up, but there is one thing you can all do, if you will. You can all be prepared for the bills in which you are interested whenever they do come up, and that is not a difficult thing to do. That is what I do. [Laughter and applause.]

The Clerk read as follows:

The appropriations made herein under the title "United States Housing Corporation" shall be available for expenditure by the agency or agencies of the public service having jurisdiction of the affairs of the said corporation.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph beginning on line 23, page 161, and ending on line 2, page 162, as being unauthorized by law.

Mr. GOOD. Mr. Chairman, will the gentleman withhold the point of order for a moment?

Mr. BLANTON. Yes.

Mr. GOOD. The bill has passed both Houses which terminates the activities of the Housing Corporation. It transfers to the Treasury Department the function of winding up this establishment. All that is intended here is to make the appropriation and permit this appropriation to follow the transfer.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. The gentleman admitted just a few moments ago that this Housing Corporation has in its possession millions of dollars' worth of property and cash.

Mr. GOOD. Yes; but we have provided that that shall not be available, and as the cash comes in it must be covered into the Treasury of the United States.

Mr. BLANTON. But this particular paragraph provides that the appropriations made herein under the title "United States Housing Corporation" shall be available for expenditure by the agency or agencies of the public service having jurisdiction of the affairs of the said corporation.

Mr. GOOD. I will say to the gentleman that when we drew this provision it was not known, and I do not personally know now, just what the conferees have agreed to as to the agencies that will be intrusted with winding up the affairs of this company.

Mr. BLANTON. When this bill becomes a law there will be no need for this clause, will there?

Mr. GOOD. Yes; and that is just the reason it is put in.

Unless this provision is carried if we turn over to the Secretary of the Treasury the duty of winding up the United States Housing Corporation, he will have approximately \$50,000,000 worth of collections to make and will have no funds to hire clerks unless this appropriation follows it.

Mr. BLANTON. If this clause goes in, has not this Housing Corporation authority under it to expend all—

Mr. GOOD. No; Congress has provided that the receipts shall be covered into the Treasury as miscellaneous receipts, and we must appropriate—

Mr. BLANTON. Then I withdraw the point of order.

Mr. LANGLEY. The gentleman from Iowa [Mr. GOOD] said that the pending bill proposing to repeal the act creating the



Housing Corporation provides that all these buildings throughout the country shall be turned over to the Treasury Department.

Mr. GOOD. I said activities.

Mr. LANGLEY. Well, activities. I desire to call the gentleman's attention to the fact that the House bill provided that the Plaza buildings—the Government hotels—should be put under the Public Buildings Commission. The Senate bill provides that these buildings shall be put under the Treasury Department along with the balance of these war buildings throughout the country. I may add that we are to have a conference with the Senate conferees at 3 o'clock this afternoon on that question and on two or three other questions of difference between the two Houses. Of course, I have no idea what agreement is likely to be reached, because we have not yet had a meeting of the conferees and have discussed the subject only informally and briefly. If the Housing Corporation, as proposed by the Senate amendment, is to be continued until June 30—and in view of the lapse of time I think now that this should be done—and these Plaza buildings are transferred to the Treasury Department, as proposed by the Senate, and continued for another year, I take it that the provisions which this sundry civil bill contains for the force necessary to conduct that work for the ensuing fiscal year is perhaps not in excess of what the work will require, although I have not gone into that in great detail. I understand that the gentleman from Iowa has had extensive hearings on the question and understands the whole situation, and I am willing to trust his judgment on it, so far as I am personally concerned on that point.

Mr. GOOD. I thank the gentleman for the correction.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

#### WOMEN IN INDUSTRY.

To enable the Secretary of Labor to continue the investigation touching women in industry, including personal services in the District of Columbia and in the field, \$75,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph as being legislation on an appropriation bill and unauthorized by law.

Mr. GOOD. Will the gentleman withhold that for a moment?

Mr. BLANTON. I do.

Mr. GOOD. There was carried in the current appropriation \$40,000 for this service. This is one of the war-time services which was continued under the bill which was reported out last year.

Mr. BLANTON. But there is no law authorizing this.

Mr. GOOD. There is no law authorizing it, but there is a bill that has already passed the House creating this very department—

Mr. BLANTON. And hung up at the other end of the Capitol?

Mr. GOOD. Yes; the Senate has not acted upon it; but here is a force already at work, and I am told they are doing good work. The committee went into this matter somewhat in detail in regard to the work that that bureau, headed by women, attempting to help solve the problems of women—

Mr. BLANTON. I will say to the chairman if he wants to save time, he knows it is subject to the point of order—

Mr. GOOD. I do.

Mr. BLANTON. And I am going to make it eventually, but if he wants to save time, unless he wants to make a statement—

Mr. GOOD. I was in hope I might succeed in removing any objection the gentleman might have, but if it is a useless thing, of course—

Mr. BLANTON. I do not think the gentleman can convince me on this and the two subsequent items. I make the point of order.

The CHAIRMAN. The gentleman makes the point of order. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

#### DIVISION OF NEGRO ECONOMICS.

To enable the Secretary of Labor to deal with the problems of negro workers and their relations to white employers and white workers, including personal services in the District of Columbia and in the field, \$15,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is new legislation and unauthorized by law.

Mr. BEE. Will the gentleman reserve it so that we can understand what is meant—

Mr. BLANTON. I reserve it for a moment, but I can tell the gentleman what is meant by it. This department is sending these negro organizers down into my colleague's State and States like Georgia, Alabama, Mississippi, and the Carolinas to unionize negro farm workers, unionize negro cooks in your pantry and kitchen, to insist on their charging wages up to \$75, \$80, \$90, and even \$100 a month and to work only 7 and 8 hours per day. This is what is known as "negro economics." [Laughter.] I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GOOD. Mr. Chairman, I assumed that perhaps the same ruling that was made last year in the employment service would apply to this, but I want to say to the gentleman from Texas, if I may digress just a minute, that there were some very learned negro gentlemen who came before the committee, men with college educations, who plead for this appropriation asked for by the Secretary.

Mr. BLANTON rose.

Mr. GOOD. Just a minute. Now, I want to give their point of view. The committee after weighing the matter decided to give something. Now they felt this way. The Government has a department here that has a large appropriation for the Indian. We recognize the Indian. We recognize the Indian Service in the United States; and we have a large bureau in the Department of the Interior dealing with the Indian. Now the colored men say, we are advised by these men, and I will say to the gentleman I know very little about the problem—

Mr. BLANTON. Will the gentleman let me give him some information? I know something about it.

Mr. GOOD. That the colored man was not recognized, and it was felt that his efficiency could be improved, that his usefulness could be extended, that his power to produce could be made more generally effective if he felt that he was some part of the Government in some way so far as the people of his own race was concerned. Now, the Secretary of Labor has the right, it seems to me, to create in his department a sort of bureau of this kind. He could employ these men, but he does not do it, and he comes to the Congress and wants to know whether it is the will of the Congress that he should do it, and the committee felt that this amount of money might well be expended for this race and felt that if they could extend their usefulness and their power and their production by being recognized, the committee was willing to grant that recognition.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. I will yield.

Mr. BLANTON. Every single negro in my district, and there are lots of them, is my friend and will go the limit for me, and I want to say to the gentleman that the Secretary of Labor has already had for two years employed in his department one negro, whom he calls Director of Negro Economics, drawing a salary of \$4,380.

He calls him "Doctor" So-and-so, trying to form a basis for that kind of a salary. And he has another negro down there, whom he calls "Assistant Director of Negro Economics," who has been drawing a salary of \$1,740 with the bonus. I stated what they have been doing in the South a moment ago and what they have been doing in the Southwest, and I want to say that they have been stirring up strife and animosity in this race of people against the best friends they have on God's green earth, and I am not in favor of spending this money for the purpose of stirring up strife.

Mr. BYRNS of Tennessee. Mr. Chairman, in addition to what the gentleman from Iowa [Mr. Good] said, I think it fair to say that those who appeared before the committee in support of this appropriation disclaimed any such object or intention as the gentleman from Texas [Mr. BLANTON] has outlined. They based their claim entirely upon what the gentleman from Iowa [Mr. Good] has stated, upon the idea that if some recognition, whether it be great or small, was given to the negro population of the country, it would promote a better feeling of good will on their part, and that this particular work was devoted to stimulating the efficiency of the negro, in stimulating his desire to save and to purchase a home, and promoting his general welfare. And they put it upon the idea that it was not only a service to the negro worker, but a service to the white employer, because it served to make the negro more efficient and more industrious and more anxious to render the best service.

Mr. KNUTSON. Will the gentleman from Tennessee yield?

Mr. BYRNS of Tennessee. I will.

Mr. KNUTSON. I would like to ask the gentleman from Tennessee if there is a corresponding bureau for white economics?

Mr. BYRNS of Tennessee. Oh, the whole department is devoted to that.

Mr. BLANTON. It is white and negro together. It is not exclusively white.

Mr. BYRNS of Tennessee. It was the contention that, although it was a small appropriation, it was a special recognition of the negro worker.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield first to the gentleman from Delaware.

Mr. LAYTON. Aside from prejudices of all sorts, the question of the millions of that race that are in our country, the fact

that they are here and a part of our body politic seems to me to be a good argument why we should do something to improve their condition, because, as a matter of fact, from the standpoint of economics they are a very important factor even in the gentleman's own State.

Mr. BYRNS of Tennessee. The gentleman is correct. And this appropriation is very small and would simply provide for a very limited force here in the District of Columbia.

Mr. BLANTON. The gentleman from Tennessee knows that every dollar that is appropriated by this Government for economics or under that head is appropriated for every colored man just as well as for every white man.

Mr. BYRNS of Tennessee. That is true.

Mr. BLANTON. They are not segregated. And the gentleman will further agree with me, I believe, when I say that if you keep these directors of negro economics out of Tennessee and out of Texas and out of Mississippi, the Negro race will be a great deal better off, and they will have a great deal more friendship exhibited to them by the white people.

Mr. BYRNS of Tennessee. That may be entirely true, but I do not think the record will sustain the gentleman in his contention that any such disturbance as he refers to in Texas is brought about by this service.

Mr. BEE. There is nothing in Texas along the line the gentleman from Texas [Mr. BLANTON] has referred to, but there is the disturbance caused by bringing in these men from New York and elsewhere, to teach different doctrines and who are not under the department of economics at all. Nothing of the former kind has happened in my district.

Mr. BLANTON. Oh, yes. I can show the gentleman articles from one of the Denison papers and letters from Texas that set forth that state of affairs exactly.

Mr. GOOD. Mr. Chairman, I think these three provisions, commencing on line 8, page 162, ending with line 9 on page 163, fall within the same class concerning which the House, as I recall, has on former occasions had a decision. The first ruling was on the provision providing for the Employment Service, and the ruling was made by the then presiding Chairman of the committee, the gentleman from Tennessee [Mr. GARRETT], in which he held that the Employment Service was not within the contemplation of the provisions of the act creating the department. Subsequently the committee followed the ruling with regard to that when the bill was again considered. I have not examined closely into that ruling. The House having twice acted upon the matter, I am not inclined to urge the reversal of that ruling, especially in view of the matter that provision can be made without it.

Mr. MANN of Illinois. Mr. Chairman, the present Chairman a moment ago overruled the decision of a former Chairman at this session concerning the Holman rule, and it may be that the present Chairman might have a very different opinion concerning the proposition involved here from that of the Chairman who ruled upon the subject before. The general language of the law creating the Department of Labor and defining in a way, at least, the purpose of the department, is sufficiently broad in its very comprehensive terms to include all these items in the bill and a thousand more. When the matter was up on the question of the ruling in reference to the Employment Bureau before, it was the ruling of the Chair, practically, at least, that this general language in the beginning of the law creating the department was not a sufficient foundation upon which to predicate by an appropriation act the creation of new divisions or bureaus in the Department of Labor not otherwise provided for by legislation. And it was a close question. I am not going to argue it with the Chair whether it ought to be ruled one way or the other, but if the Chair happens to be familiar with the proposition, happens to entertain a different view with reference to the organic act of the department, I think it is perfectly proper for the Chair to express that view and follow it.

Mr. BLANTON. Mr. Chairman, will the Chair hear one word further from me?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. I call the attention of the Chair to the rule that has been expressed by the Speaker of the House on various occasions, that where a ruling has been made in the committee, unless there is some very great and good reason why that rule should be changed, the Speaker should follow it in the House. This precedent, made by Chairman GARRETT, which has been cited by the Chairman of this committee, has been followed, sustaining this point of order to just such items made on two different occasions in this Congress in the committee, the Speaker upholding it after we got back into the House. I think, under the circumstances, this Chairman not having any very great reason for changing the rule twice expressed by the Committee of the Whole and twice followed by the House will not see fit to change it at this time.

The CHAIRMAN. The Chair is ready to rule. The provision of law creating the Department of Labor, and bringing within the Department of Labor the activities of the Government which previously affected the relations between employers and employees particularly, and labor in general, are very broad. If the provision now under consideration is construed in such a way as to authorize the creation of a new bureau in the department, the Chair is of the opinion that the paragraph is not in order. The Chair thinks the paragraph is susceptible of this construction. The Chair is inclined to think that the language of the paragraph under consideration goes somewhat beyond the authority which is granted in the act creating the Department of Labor; and in view of the further fact that the matter has been held not to be in order, as the Chair understands, upon previous occasions, the Chair feels constrained to sustain the point of order. The Clerk will read:

The Clerk read as follows:

#### EMPLOYMENT SERVICE.

To enable the Secretary of Labor to foster, promote, to develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices in the several States and political subdivisions thereof, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment, and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, supplies and equipment, telegraph and telephone service, and printing and binding, \$225,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph. It is new legislation upon an appropriation bill, and unauthorized by law.

The CHAIRMAN. For the reason given in the preceding decision of the Chair, the Chair sustains the point of order.

Mr. BLACK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state to the gentleman from Texas that, the paragraph having been stricken out, there is nothing upon which to base his pro forma amendment. The Clerk will read.

The Clerk read as follows:

#### LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Sixty-sixth Congress, showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, in definite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law, \$4,000, to be paid to the persons designated by the chairmen of said committees to do the work.

Mr. BLACK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLACK. I wish to refer to the need for the work of an employment agency; and although we have passed that item, I would like to take this occasion to refer to the industrial conference that was appointed by the President some time ago to investigate the industrial relations of capital and labor. In this connection I do not want to be understood as criticizing the gentleman from Texas [Mr. BLANTON] for making the point of order, because that is his right under the rules of the House, and I have no criticism to make of any Member exercising his right. But I think that one of the most important activities that the Department of Labor can have is a properly organized employment agency to cooperate with and coordinate the employment agencies of the several States and municipalities.

This industrial conference that the President appointed some time ago had for its chairman Mr. W. B. Wilson, the Secretary of Labor. Mr. Herbert Hoover, I believe, was the vice president. Attorney General Gregory, of my own State, was a member, and other well-posted men in the economics and industry of the country were members of that conference. I would like to take the opportunity to read an extract from the report of the conference. This is what it has to say with reference to the employment agency:

#### PUBLIC EMPLOYMENT CLEARING HOUSE.

The problem of unemployment is aggravated by the fact that at the present time there is no adequate method for mobilizing such a so-called labor reserve as, in spite of all efforts to reduce unemployment, may at any given time actually exist. At the present time there are many labor reserves but no mobilized reserve. The creation of a Federal Reserve System in banking has mobilized and coordinated the Nation's credit reserves. Under such a system the Nation can transact a larger volume of business on a given capital and credit than would be attainable under a system of separate banks acting individually in their localities. Similarly the country's productive capacity can be increased by the creation of a unified system of labor exchanges, making what is in effect a single labor reserve that can be drawn on by industry in any part of the Nation.



The conference recommends establishing a system of employment exchanges, municipal, State, and Federal, which shall in effect create a national employment service. The employment problem is in the first instance a local problem. The first objective must be the placement of local men in local establishments in order to keep as large a number of the employees as possible at home with their families. But no purely local approach to the problem is or can be effective. Labor surplus and labor shortage exists side by side within the country at the same time, although not necessarily within the same State. Carpenters or machinists may be out of work in Chicago at the same time that there is a demand for such artisans in Pennsylvania.

Perhaps more important is the constant problem of bringing labor from the towns and cities to the farms, both locally and in times of great seasonal demand for farm operations when the need of the farmer requires the more extensive transfer of labor from both his own and neighboring States.

Now, Mr. Chairman, if the Department of Labor has any useful function to perform at all, and certainly no one would deny but that it has, it is to assist in the problem of unemployment. We have expended millions of dollars in developing the industries of the country from the purely material side of it, but there is a disposition, a dangerous lethargy on the part of the country, to overlook the human element in industry.

Not long ago I read an incident of two prominent men of industry who were viewing the great Niagara Falls, and one of them looked at those great waters plunging over the precipice with a roar of mighty power and said, "There is the greatest source of undeveloped power in the United States." The other prominent man of industry by his side said, "No; the greatest undeveloped source of power in the United States is the man power of the United States." I think that he was right. We are striving for a spirit of cooperation between capital and labor in order that the production of the country may be increased, and without that cooperation we can not have an increase in production. One of the best means to do that is to minimize unemployment.

I do not favor the establishment of local Federal employment agencies. That is not contemplated under the appropriation that was contained in the bill. What was in contemplation was that the Federal Employment Agency should cooperate with the 12 or 15 States that have their own employment agencies, and then with the chambers of commerce in the different cities that have taken up this work so as to have a clearing house for the work.

Now, I understand that at the present time there is very little unemployment in the United States. I dare say that there has been no time in the history of our Government when there was more universal prosperity and less unemployment. But we can not expect those conditions to continue indefinitely. They will not continue indefinitely, and therefore we ought to have in this Department of Labor, when the time of unemployment does come that is sure to come in the course of time, some agency that can keep in touch with the different sections of the country. We ought not to wait until it rains to begin to cover our house.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Texas is recognized in opposition to the pro forma amendment.

Mr. BLANTON. Mr. Chairman, beginning with its initial issue, the Olden Advance devotes each week several columns to vicious attacks against me. Who is paying for it? Could its editor, Don H. Biggers, afford it without pay? Where did he get the \$250 about which he has written so many of you? Note the following letter just received:

CLYDE GROWERS' ASSOCIATION.

CLYDE, TEX., May 7, 1920.

Hon. THOMAS L. BLANTON,  
Washington, D. C.

DEAR FRIEND: I wish to advise you that Mr. Don H. Biggers, previously of Lubbock, Tex., has been owing the Clyde Growers' Association \$62.79 since 1917. The present manager, Mr. O. S. Maggart, and the previous manager, Mr. Carl C. Grubb, have repeatedly asked him by letter to settle, and he ignores their requests. The farmers who compose the association have shared in the loss. We still consider "our" Congressman "honorable."

Yours,

R. O. CARNES.

After all, Mr. Chairman, it is not surprising that a newspaper editor who will beat fruit and vegetable farmers out of \$62.79 worth of their produce and refuse to pay them, is yet able to devote each week columns of his space to attacks on me, and make \$250 special deposits in banks, when the radical leaders now after my scalp have bragged about the unlimited funds they will expend to defeat me. For these radicals leaders, Mr. Chairman, want the farmers to get just as little as possible for their products.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I very much regret that three items, women in industry, division of negro economics, and the employment service, went out on points of order.

I very much regret that the gentleman felt called upon to make the point of order. I simply want to say, Mr. Chairman, that I feel entirely confident that before we adjourn these services will be provided for.

Mr. BLANTON. Probably the gentleman from Kansas [Mr. CAMPBELL] now has a hip-pocket rule ready.

Mr. BLAND of Indiana. Mr. Chairman, I do not think it will require any hip-pocket rule. The gentleman from Wyoming [Mr. MONDELL] has stated what I think is the mind of the Committee on Labor, and I believe that before this session ends we will have completed a bill to take care of these three important items. I think they are important. I do not think they should have gone out on a point of order. I think the passage of this bill will make it impossible for them to be stricken out on a point of order again.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 160. Joint resolution to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of Salaries; and

S. J. Res. 161. Joint resolution to exempt the New York Barge Canal from the provisions of section 201 of H. R. 10453.

The message also announced that the Senate had passed without amendment the bill (H. R. 9944) authorizing the Secretary of the Treasury to accept on behalf of the United States the donation by Sedgwick Post, No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes.

#### SUNDY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Office of the Public Printer: Public Printer, \$6,000; purchasing agent, \$3,600; chief clerk, \$2,750; accountant, \$2,500; assistant purchasing agent, \$2,500; cashier and paymaster, \$2,500; clerk in charge of CONGRESSIONAL RECORD at the Capitol, \$2,500; private secretary, \$2,500; assistant accountant, \$2,250; chief timekeeper, \$2,000; paying teller, \$2,000; clerks—4 at \$2,000 each, 10 of class 4, 13 of class 3, 12 of class 2, 10 of class one, 15 at \$1,000 each, 11 at \$900 each, 1 \$840; paymaster's guard, \$1,000; doorkeepers—chief \$1,200, 1 \$1,200, 5 assistants at \$1,000 each; 2 messengers, at \$840 each; delivery men—chief \$1,200, 5 at \$950 each; telephone switchboard operator, \$720; 3 assistant telephone switchboard operators, at \$600 each; 7 messenger boys, at \$420 each; in all, \$153,930.

Mr. PELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 165, line 20, after the word "paymaster," strike out "\$2,500" and insert in lieu thereof "\$3,000."

Mr. GOOD. I reserve a point of order on the amendment. Does the gentleman wish to speak on it?

Mr. PELL. I just want about two minutes.

Mr. GOOD. I reserve the point of order.

Mr. PELL. I thank the gentleman very much. This man who is now cashier and paymaster is named Wilver, and he has been on the job for 20 years and is at present in charge of an expenditure of over \$20,000,000 a year. He not only does his own work regularly—the work that he is paid for doing—but he also does a great deal of night work, for which he is not paid at all, and I am informed by the members of the force over there that if they happen to be sick he will come around to their homes personally and see that they get their money. His record is excellent, and I think he deserves this slight increase. He now gets \$2,500 with the \$240 bonus, making \$2,740, so that the \$3,000, which carries no bonus, is only an advance of \$260 a year, which I think he well deserves. [Applause.]

Mr. GOOD. Mr. Chairman, I make the point of order. The salary is fixed by law.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from New York changes existing law by increasing the salary of an officer whose salary is fixed by law, and the Chair therefore sustains the point of order.

The Clerk read as follows:

For public printing, public binding, and paper for public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Customs Appeals, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the Pan American Union, the Executive Office, the United

States Geographic Board, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for (including the compensation of the foreman of binding, the foreman of printing, and the foreman of press work, at \$3,000 each); rents, fuel, gas, electric current, gas and electric fixtures; bicycles, electrical vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding \$1,500); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding \$500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding \$100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, \$5,783,710.

Mr. MACGREGOR. Mr. Chairman, I should like to ask the chairman of the committee about the item of indexing the CONGRESSIONAL RECORD. It seems to me that that is an awfully expensive proposition.

Mr. GOOD. As I recall the testimony, it shows that the indexing of the CONGRESSIONAL RECORD is now being done for \$1.25 a page. The price paid in the last Congress, I think, was \$1.50 a page. There has always been more or less controversy with regard to it. It is a matter primarily with the Joint Committee on Printing. That committee has charge of that work. That committee is attempting to bring about some reforms in the matter of printing. To what extent it will succeed is, of course, somewhat problematical. I have a letter from the gentleman from Pennsylvania [Mr. KIESS], a member of the Joint Committee on Printing, in which he says that the total amount paid to the indexer in 1918 was \$14,807.82, and in 1919, \$13,844.98; that out of this the indexer has to pay the salaries of his employees and other expenses. At the present time I understand there are three or four indexers and other employees. The assistant superintendent of documents at the Government Printing Office, of whom we made inquiry in the hearings as to what it would cost if the work was done at the Government Printing Office—you will find his testimony on page 2372 of the hearings—stated that it would require four indexers and three other persons in addition to the indexers to do the work. Of course, if it takes seven persons, \$13,000 is not an excessive price to pay for the indexing. It would cost more than that if we had to pay by hiring persons and putting them on the pay roll.

Mr. MACGREGOR. Yes; but during the last six sessions of Congress it had cost \$149,603, an average of over \$25,000 a session, which seems to me to be pretty good pay.

Mr. BLAND of Indiana. I should like to ask the chairman of the Committee on Appropriations with reference to this item:

For the Patent Office: For printing the weekly issue of patents, designs, trade-marks, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly, monthly, bimonthly, and annual indices, \$575,000.

I notice several places in the bill where the Government is carrying appropriations for engravings and different kinds of printing. Has the committee considered the advisability of the Government doing its own work in this regard?

Mr. GOOD. All of the printing is done, of course, at the Government Printing Office. The engraving is done outside. As I recall, the Commissioner of Patents wishes to equip a separate engraving establishment to engrave the designs, trade-marks, and things of that kind.

Mr. BLAND of Indiana. The gentleman will notice that that is just one item, \$575,000, or more than half a million dollars a year that we are paying to outside concerns.

Mr. GOOD. Oh, no; not at all. A very small part of that is paid for the engraving. That is for the entire printing of the weekly issue of patents, designs, and trade-marks, as well as the Official Gazette, and the weekly, monthly, bimonthly, and annual indices.

Mr. BLAND of Indiana. Since we have down here the best Printing Office in the world, why is not the work done there?

Mr. GOOD. Oh, that money is largely expended at the Government Printing Office. Only a small part of it is expended outside.

Mr. BLAND of Indiana. That is not my information.

Mr. GOOD. That is the fact.

Mr. BLAND of Indiana. I am asking for information.

Mr. GOOD. The engraving work is done outside, but not a line of printing is done outside. This is the appropriation for the printing of the weekly issue of patents, designs, trade-marks, and labels, as well as the Official Gazette, and practically all of that is expended at the Government Printing Office, and that is true with regard to the other items. If the gentleman will turn back to page 168 he will find that we carry for printing and binding an appropriation of \$5,783,710. That is

the total amount carried in this item for printing and binding. Now, that is distributed \$2,000 for printing the congressional proceedings, debates, documents, and so forth—

Mr. BLAND of Indiana. If those are the facts, they are different from what I understood; and I was informed by one who ought to know that most of the \$575,000 is left to outside people who make the engravings and illustrations for the Patent Office. It is quite a large item. I have not the figures here at hand, but I understand we pay outside parties for the engravings and illustrations.

Mr. GOOD. The Government Printing Office does let out the photolithographic work, the engraving work required for the production of certain trade-marks and labels. But when it comes to printing they are turned over to the Public Printer. The Government owns no plant for this process of photolithographing and engraving.

Mr. BLAND of Indiana. Why not?

Mr. GOOD. Because there has never been any appropriation for it and there has never been any authorization.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. There was some criticism of the administration of the Government Printing Office in the discussion on the second deficiency appropriation bill. In view of what has been said, I have felt that something should be said relative to the Public Printer and the administration of his office, and I requested Mr. Russell Beene, the efficient and capable statistician of the Printing Office, to furnish me with some facts and figures covering a period of a few years past in the administration of that office.

What are the facts with regard to the operations of the Government Printing Office during the present administration? I call attention to the hearings, which contain a table of comparative production which covers the past nine fiscal years, divided into three-year periods, the last three years of the former administration and the first three and the last three years of Mr. Ford's management of the office as Public Printer. It shows a total product during the nine-year period of \$71,673,009, and of this amount the last three years, 1917, 1918, and 1919, carry more than 46 per cent of the whole; in other words, within less than 3 per cent of that of the combined product of the six preceding years, 1911-1913 and 1914-1916. Some big figures of printing production are to be found in this table. Of a total of 37,189,000,000 printed pages, the output of the office for the past three years was 17,927,000,000, in excess of 48 per cent of the total for nine years, and as compared with 7,884,000,000 for the years 1911-1913. The bound publications total 10,353,000, round numbers, for the past three years, as compared with 4,310,000 for 1911-1913, or 52 per cent plus compared with 21 per cent plus in a total of 19,784,067 bindings for the nine-year period.

The paper cost entering into the product of the office totals \$18,489,439.85, and of this amount approximately 64 per cent was consumed during the past three years, and is 127.59 per cent in excess of the total for the three-year periods 1911-1913 and 1914-1916 combined. The production of the office, all operations combined, has increased since 1915 more than 70 per cent in volume. It appears to be creditable management that with this increase in production the actual expenditures for the three-year period 1917-1919 for the office of the Public Printer for the clerical force and the watch force combined—that portion of the appropriation carried under legislative—was \$186,612.13, as compared with \$187,128.36, or \$516.23 less than it was for the three-year period 1911-1913, and shows a reduction from 3 per cent plus to less than 1.72 per cent for this item of overhead charges for the total expenditures of the office for the periods in question. These figures obtained, though the expenditures of the office of the superintendent of documents were not taken into consideration, and notwithstanding the fact that the product computed for 1911-1913 includes \$517,260 for postal-card paper—the Printing Office was furnishing paper and printing the postal cards at that time—and \$700,000 for excess charges on account of scale prices to Congress and the departments, which was reduced 5 per cent and 2½ per cent additional and made effective during 1914-1916; in other words, the charges to Congress and the departments as carried in this table of comparative production referred to would have been \$1,217,260 greater for 1914-1916 had the Printing Office continued to buy postal-card stock purchased by the Post Office after 1914 and had the scale of prices for work produced remained the same as it was from 1911-1913.

I am informed that while in 1918 the Printing Office reached its peak of production on account of the war, and notwithstanding the drastic action of the Printing Committee in its curtailment of printing authorized by law, the production of the Government Printing Office for the present fiscal year will vary but slightly in money cost to that of 1918. There has been an ad-



vance in wages of the principal trades throughout the office of approximately 40 per cent, and the cost of paper is unprecedented and continues to climb with each succeeding day. Newsprint paper purchased by the Public Printer at 2.3 cents per pound in 1911 now is almost unattainable at a figure less than 12 cents per pound. An appropriation made for printing and binding at this time of \$12,000,000 would not more than suffice for an equal production in volume of printing, as compared with an appropriation of approximately \$6,000,000 prior to 1915.

We are appropriating vast sums of public money for the various activities of the Government, scientific research and the gathering of trade statistics, and so forth, and to deny funds to the Public Printer for the printing of this departmental data is "locking the stable after the horse is stolen." There undoubtedly is much printing that is a waste of money; on the other hand, a great deal more printing of the right sort might be done that would bring 1,000 per cent returns to the country if it could be had in the volume that it should be had.

The total expenditures on account of allotment and repay printing for the present fiscal year will approximate \$13,000,000. Of this amount, printing and binding alone will carry an excess of \$12,000,000; holiday appropriation, \$357,394; leaves of absence, \$558,000; and legislative, \$212,190. It is evident from these figures that the estimates submitted for 1921, totaling \$9,138,635, with increased wages, increased cost of paper, materials, and supplies, are minimum figures, and if not provided the result will be the usual clamor, as we have witnessed this year, for deficiencies.

The committee, in its wisdom, reduced the printing and binding estimates of the Public Printer for the present fiscal year \$2,385,000. To date deficiencies approximating \$1,786,000 have passed the House. The original estimates of the Public Printer have been exceeded by the granting of special repay funds. Indirect appropriations or funds available from the departments for printing, known as repay money, has been provided in excess of \$4,500,000. I am advised by officials of the Government Printing Office that it would be much more economical for the Government to have the appropriations made under the allotment plan rather than the repay plan. The work under these circumstances could be apportioned during the year in such a way that there would be a greater uniformity in production and a corresponding saving. What is known as slack periods in the various branches of the office could thus be minimized.

The Printing Office is a great factory, and to secure maximum production at a minimum cost the Public Printer should not be placed in a position where he does not know whether the departments are going to be furnished with the necessary funds to pay for their printing. Until the past two years Congress has provided funds according to the Public Printer's estimates, and as soon as we departed from that program more or less confusion has necessarily resulted.

Contending that the increase in the volume of work thrown upon the office force by section 11 of the legislative bill, re-

quiring that all printing should be done at the Government Printing Office, made a reduction of the office force impracticable, the Public Printer shows, on page 2220, that the number of bills rendered for eight months of the present fiscal year compared with a similar period for 1915 were 46,216 and 35,196, or an increase of 31.31 per cent this year. Repay work or printing not provided for in allotted appropriations has increased the past four years from \$703,524.30 to \$5,171,568.28, or 635.094 per cent.

The following extract from the second report of the Provost Marshal General to the Secretary of War pays a high tribute to the efficiency of the Government Printing Office:

The printing of this quantity of forms was a task of such proportions as to tax to the utmost the Government Printing Office. This institution, however, responded admirably to the unprecedented demands made upon it, and some remarkable records were made. The most notable of these was the printing of forms of all kinds for the registration, classification, and mobilization of the registrants of September 12, 1918. This immense task was performed during a period of 50 days. Several records for quantity and speed made during this time deserve special mention. Fifteen million questionnaires were printed in 34 days. Fourteen and one-half millions of one-page leaflets were printed within 60 hours after the presses were started, at an average hourly production of 240,000 copies. Thirty-two and one-half million registration cards were turned out in eight days; and numerous other achievements could be mentioned. Historians of the future, in recording the many wonderful deeds to the credit of the Nation during this war, should not overlook the assistance rendered by the Government Printing Office in raising the National Army; and this report would not be complete without an acknowledgment of the manner in which that establishment performed its portion of the work.

So far we have been dealing with the production. Taking up finances, I note from examination of the Public Printer's report that the Public Printer has not spent all the moneys coming into his possession and which he might have spent had he been inclined to any other course than that of conscientious and economical handling of Government money, and note that the average sum reverting to the Treasury from all appropriations under the Public Printer for the period 1911-1913 was \$217,360.66, for the period 1914-1916 the average turned back to the Treasury was \$153,362.85, while for the last three fiscal years, 1917 to 1919, inclusive, an average of \$951,390.94 available funds were turned back into the Treasury. During the fiscal year 1919 the Public Printer refused to expend \$2,282,747.46 Government funds, and that unusual amount, an amount in excess of combined reversions to the Treasury of the 10 previous years, was saved to the taxpayers of the country. Now, to this \$2,282,747.46 that reverts unexpended for 1919 add \$384,606.77, miscellaneous receipts—receipts from sales of waste paper and other miscellaneous sources which were also deposited in the Treasury—and you have a grand total of \$2,667,354.23, more than ten times—more than 1,000 per cent—in excess of the average of the 10-year period preceding. These facts should be worth considering when we withhold from the Public Printer and those officials under him who are entitled to it that recognition due them.

I append the following:

Comparative statement of the productive operations for the fiscal years 1911-1913, 1914-1916, and 1917-1919, covering the most important items entering into printing and binding.

Operation.	1911-1913	1914-1916	1917-1919	Per cent of increase or decrease over 1911-1913.	
				1914-1916	1917-1919
Total printing and binding charges.....	\$19,486,173.94	\$19,052,475.21	\$33,134,020.38	* 2.225	70.039
Jackets written.....	167,479	160,863	185,928	* 3.950	11.016
Estimates written.....	96,816	95,963	124,998	* 1.880	29.109
Total production of ems.....	6,148,854,900	6,620,400,800	7,284,351,900	* 7.766	18.467
Hours of time-work in composing section.....	837,116	740,477	892,124	* 11.540	6.571
Electrotyping and stereotyping, square inches.....	39,286,464	33,411,641	47,501,890	* 2.226	20.912
Postal cards produced.....	2,933,058,349	3,209,133,669	2,487,565,850	* 9.413	* 15.189
Money-order books shipped.....	1,527,949	1,854,494	2,039,977	* 20.370	33.511
Forms sent to press.....	517,374	501,553	716,805	* 3.050	38.547
Charge impressions in press room.....	2,884,755,102	3,149,560,333	8,713,423,982	* 9.179	202.051
Sheets folded by machine.....	335,261,089	442,766,678	754,486,361	* 32.000	125.044
Sheets gathered by machine.....	209,355,305	321,315,544	523,871,607	* 7.335	75.000
Tips made by machine.....	35,596,196	35,157,224	42,459,998	* 1.230	19.282
Copies wire stitched.....	76,502,716	99,536,046	242,718,927	* 30.100	217.268
Copies paper covered.....	11,050,390	18,404,356	36,629,796	* 66.540	231.480
Books and pamphlets trimmed.....	174,305,326	195,369,962	471,650,189	* 12.080	170.589
Sheets cut.....	762,972,004	774,008,105	1,432,233,526	* 15.770	87.718
Books rounded and backed.....	5,009,246	5,253,283	8,538,987	* 4.870	70.464
Books marbled and edged.....	1,001,403	863,436	775,671	* 13.785	* 22.549
Stamping impressions.....	15,631,091	14,636,128	13,442,312	* 6.355	* 14.001
Books cased in.....	5,189,201	5,300,767	8,610,572	* 2.149	65.933
Number of indexes.....	254,453	344,876	646,652	* 35.530	154.134
Sheets passed through ruling machines.....	73,620,615	75,443,175	161,701,685	* 2.470	119.642
Signatures sewed.....	279,692,216	267,947,879	367,529,284	* 4.199	31.405
Sheets punched.....	58,475,800	89,282,356	436,540,718	* 52.680	646.532
Sheets perforated.....	34,232,210	45,382,562	54,374,566	* 33.550	58.840

\* Includes \$517,260.53 for postal-card paper and over \$700,000 excess charges, comparable with those of 1914-1916; the scale of charges having been reduced 5 per cent and 2 per cent, covering the later period, making the comparative figure for 1911-1913, \$18,268,913.41, or an increase per cent of 4.289 instead of the decrease per cent 2.225 as above.

\* Decrease per cent.

The Clerk read as follows:

During the fiscal year 1921 any department or independent establishment of the Government ordering printing and binding from the Government Printing Office (other than that specifically provided for by allotment) shall advance to the Public Printer 90 per cent of the estimated cost of the work at the time the order is placed and upon completion of such work shall pay to the Public Printer a sum sufficient to complete payment of the actual cost thereof. The sums so advanced to the Public Printer shall be placed to the credit of the Government Printing Office on the books of the Treasury Department and be subject to requisition by the Public Printer.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 168, line 12, after the word "Printer," insert the words "upon written request"; and in line 17, strike out the words "Government Printing Office" and insert in lieu thereof the words "appropriation public printing and binding."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The committee amendment was agreed to.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. REAVIS having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On May 10, 1920:

H. R. 6750. An act to deport certain undesirable aliens and to deny readmission to those deported;

H. R. 12460. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union;

H. R. 12824. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union;

H. R. 13139. An act for the sale of isolated tracts in the former Fort Berthold Indian Reservation, N. Dak.;

H. R. 8314. An act to provide for the training of officers of the Army in aeronautic engineering;

H. R. 9615. An act authorizing the Secretary of the Interior to correct an error in an Indian allotment; and

H. J. Res. 80. Joint resolution to correct an error in the wording of the appropriation of \$71,000 made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto.

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed \$47,000 for the Weather Bureau, and including the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution numbered 13, approved March 30, 1906, and also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, \$725,000.

Mr. MANN of Illinois. Mr. Chairman, this item carries an appropriation for printing the farmers' bulletins. I notice that the farmers' bulletins recently—and I do not know how recently—all have on the front page illustrations which, in my judgment, mar the beauty and usefulness of the bulletins, and undoubtedly are rather expensive. They do not add anything to the bulletins. They do not add anything to the knowledge contained in the bulletins, and for the life of me I can not see why the Agricultural Department wants to spend its money on useless cover illustrations rather than in useful printing. If they were fine illustrations, like some magazines have on the covers, it might have some beneficial quality of beauty, but they are not. It is just a waste of money.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. DAVIS of Tennessee. Does not the gentleman think the illustrations are calculated to attract the attention of the farmers to whom they are sent, and that that is the primary purpose, with a view of getting them interested to the extent that they will read the publication?

Mr. MANN of Illinois. I do not think so. A farmer who will not read one of these bulletins except upon the basis of the illustration will not make use of the bulletins. The illustrations do not illustrate what is in the bulletins. It is just a pure extravagance without any beneficial result whatever. I read all the farmers' bulletins, and I suppose other Members do. They have an entertaining quality, but I never pick up a new one without feeling ashamed that there should be such poor illustrations and such a waste of money in making them.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of water works, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1921, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask unanimous consent to insert in the RECORD a table showing the activities of the commission to determine the mineral claims, about which I asked a question of the chairman the other day.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The statement is as follows:

#### WAR MINERALS RELIEF COMMISSION.

##### Statement for week ending April 24, 1920.

Total number of claims originally filed	1,203
Number of claims previously recommended for action	692
Number of claims recommended for action during week	33
Total number of claims recommended for action	725
Total number of claims remaining to be considered	478
Total amount of all claims	\$16,655,481.94
Total amount of all claims acted on to date	\$7,406,857.34
Total amount of all claims yet to be considered	\$9,248,624.60
Number of awards recommended to April 24, 1920	130
Amount claimed	\$2,946,544.44
Amount recommended for allowance	\$1,025,257.65
Number of claims recommended for disallowance to April 24, 1920	595
Amount claimed	\$4,460,312.90
Claims decided during week (24 disallowed, 9 allowed in part)	33
Total amount claimed in all claims decided during week	\$411,492.49
Amount recommended in the 9 claims partially allowed	\$48,252.25

##### Status of claims on May 1, 1920.

Total claims assigned to auditors	518
Total claims assigned to engineers	528
Total auditors' reports received	349
Total engineers' reports received	419
Total chief engineers' reports	331
Total claims assigned to examiners	303
Total reports ready for examiners	28
Total claims now in hands of engineers	109
Total claims now in hands of auditors	169

The Clerk read as follows:

#### THE PANAMA CANAL.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; foreign and domestic newspapers and periodicals; law books not exceeding \$500, textbooks, and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

Mr. GOOD. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

SEC. 2. That, beginning with the fiscal year 1921, the Federal Farm Loan Board shall, as soon as possible after the close of each half of each fiscal year, levy upon the Federal land banks and joint-stock land banks, in proportion to their gross assets, an assessment equal to the amounts expended from all appropriations on account of salaries (including any additional compensation) and expenses of the board and its appointees and employees for the half of the fiscal year then closed. The board, in making such assessment, shall assess exclusively against either class of banks such expenses as may be incurred exclusively on behalf of such class. Such assessments shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. McKEOWN. Mr. Chairman, I make the point of order against that as new legislation.

The CHAIRMAN. The Chair sustains the point of order.



The Clerk read as follows:

(b) The director, with the approval of the President, shall appoint and fix the compensation of such employees and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office as may from time to time be provided for by Congress. All employees in the bureau whose compensation is less than \$5,000 a year shall be appointed from lists of eligibles furnished by the Civil Service Commission and in accordance with the civil-service laws and regulations.

Mr. SIEGEL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SIEGEL: Page 181, line 12, after the word "regulations," strike out the period and insert the following: "Provided, however, That honorably discharged soldiers, sailors, and marines shall be given a preference in the making of appointments."

Mr. GOOD. Mr. Chairman, I make the point of order on the amendment.

Mr. RAKER. Mr. Chairman, I make the further point of order that this should be read by sections, and that the reading of the provisions has not been completed.

The CHAIRMAN. The Chair would state to the gentleman from California that the bill is being read by paragraphs.

Mr. GOOD. Mr. Chairman, I withdraw the point of order. That is the law now, and I do not believe we ought to adopt it at the present time. The items in this provision are just the same items that were in the bill that passed the House. The amendment the gentleman from New York is offering is simply a restatement of existing law.

Mr. SIEGEL. I do not think it is subject to the point of order.

Mr. GOOD. It is not subject to the point of order.

The CHAIRMAN. The Chair does not think it is subject to the point of order.

Mr. RAKER. Mr. Chairman, should not the entire section be read before it is open to amendment or objection?

The CHAIRMAN. The Chair will state to the gentleman from California that appropriation bills are read by paragraphs, and while this is substantive legislation, it is a part of the appropriation bill.

Mr. RAKER. Then the first paragraph has been passed?

The CHAIRMAN. Yes. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SIEGEL) there were—ayes 11, noes 7.

So the amendment was agreed to.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Is this budget legislation here the same legislation that the House passed recently, which went over to the Senate?

Mr. GOOD. It is.

The Clerk read as follows:

PAR. 12. The comptroller general shall appoint, remove, and fix the compensation of such officers and employees in the department as may from time to time be provided for by Congress, and perform all other duties of a head of an independent Government establishment. All such appointments, except to positions carrying a salary of \$5,000 a year, shall be made from lists of eligibles furnished by the Civil Service Commission, and in accordance with the civil-service laws and regulations. No person appointed by the comptroller general shall be paid a salary in excess of \$5,000 a year, and not more than three persons appointed by him shall be paid a salary at that rate. Until March 5, 1921, no person who at the time of the passage of this act holds office as one of the six auditors referred to in paragraph 10, and who in pursuance of paragraph 11 is transferred to the accounting department, shall be removed from office or have his compensation reduced, except for cause. All officers and employees of the department, whether transferred to the department in pursuance of paragraph 11 or appointed by the comptroller general, shall perform such duties as may be assigned to them by the comptroller general. The comptroller general shall make such rules and regulations as may be necessary for carrying on the work of the department.

Mr. SIEGEL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SIEGEL: Page 188, line 19, after the word "regulations," strike out the period and insert: "Provided, however, That honorably discharged soldiers, sailors, and marines shall be given a preference in the making of appointments."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

PAR. 13. The comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the accounting department containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures. He shall make such investigations and reports as shall be ordered by either House of

Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request. The comptroller general shall specially report to the Congress every expenditure or contract made by any head of a department in any year in excess of the appropriation to such department and in violation of law.

Mr. GOOD. Mr. Chairman, on page 189, line 14, the word "containing" is misspelled. I ask unanimous consent that the Clerk be directed to correctly spell the word.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. GOOD. Mr. Chairman, also on page 185, at the end of line 15, I move to strike out the letter "a" and insert the word "are."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 185, line 15, after the word "Treasury," strike out the letter "a" and insert the word "are."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Iowa a question. In paragraph 12 it is provided that the comptroller general shall perform all other duties of the head of an independent Government establishment. I do not know just what is meant by the head of an independent Government establishment, but I would like to ask whether this is a suggestion that the comptroller general shall perform the duties of a member of the President's Cabinet?

Mr. GOOD. Not at all. It was intended by creating this office that it should be as near to the legislative branch of the Government as it is possible to put it. If it could be practically an arm of the Congress, it would perhaps be better, but under our form of government it was not thought that such a plan could be devised, and the best we could do was to make it an independent establishment answerable to Congress and to Congress alone. Therefore it was made an independent establishment. There never has been any intention or thought of this office being a department with a Cabinet head.

Mr. MANN of Illinois. Of course, it is created as a department.

Mr. GOOD. As an independent department.

Mr. MANN of Illinois. All departments are independent, and they are the only ones that have heads. Commissions do not have heads—that is, in the singular. I did not know whether this contemplated that this department should have a head who would have the same duties to perform, which, of course, are extralegal, as the head of one of the departments of the Government, where he is created a Cabinet officer.

Mr. GOOD. It was not intended to give him that position.

Mr. MANN of Illinois. I am satisfied with the gentleman's explanation. It could only be done by the President calling him in?

Mr. GOOD. Yes.

The Clerk concluded the reading of the bill.

Mr. GOOD. Mr. Chairman, I ask unanimous consent at this point to insert in the Record a statement made on the budget by the Chamber of Commerce of the United States.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to insert in the Record a statement by the Chamber of Commerce of the United States. Is there objection?

Mr. CALDWELL. Mr. Chairman, I object.

Mr. BYRNS of Tennessee. Mr. Chairman, I hold in my hand a memorandum prepared by Prof. W. F. Whiloughby, a director of the Institute for Government Research and a writer on economics, who has been for years a student of Government problems. I think that this memorandum which has been prepared will be of very great interest to the Members of the House and that it is a real contribution to the subject of budget legislation. I ask unanimous consent that I may be permitted to insert it in the Record.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, coming from the source it does, I take it that it is all right, but some of these scholarly gentlemen from whose pen some documents have come have been inoculated with a little too much socialism of late. This is absolutely free of that, is it? Has the gentleman read it?

Mr. BYRNS of Tennessee. So far as I know it is. I have read it. It is a discussion of the budget system.

Mr. BLANTON. I withdraw the reservation of objection.

The CHAIRMAN. Is there objection?

There was no objection.

The memorandum referred to is as follows:

MEMORANDUM ON THE STATUS OF THE PROPOSED BUREAU OF THE BUDGET.  
(By W. F. Willoughby.)

In proposals now pending before Congress looking to the establishment of a national budget system, substantial agreement has been reached regarding almost all of the important features of the proposal, except that in relation to the status and location of the bureau of the budget which it is proposed to create for the purpose of handling the detail work to be done in the preparation of the budget for submission to the Congress.

In respect to this feature opinion is sharply divided between the two principles of having this bureau constitute a special agency directly attached to the office of the President, and of having it constitute a special service within the Treasury Department and subject to the general direction and control of the Secretary of the Treasury.

The Institute for Government Research, as a result of its study of the budgetary systems of other countries, and of the special character of the problem in our own country, due to the character of our political system, is strongly of the opinion that the first-named principle should be followed. The reasons leading to this opinion are as follows:

1. The primary purpose sought in seeking to have the National Government go upon a budgetary basis is that responsibility for the preparation of a definite, complete, and consistent financial and work program should be placed squarely upon the President. Anything that would tend to obscure or lessen this responsibility should be avoided. It is believed, therefore, that if responsibility for the preparation of the budget is placed, in the first instance, upon the Secretary of the Treasury, this responsibility, in the eyes of the public at least, will rest rather with the Secretary of the Treasury than with the President.

It is true that the President is responsible for the acts of the Secretary and that the budget as prepared will go forward as the President's budget. Nevertheless, the fact will remain that the budget in its details will represent the work and judgment of the Secretary of the Treasury and the President's responsibility will be the secondary one of accepting this budget, or at best of revising it in the general features only. This will be well known by the public, with the result that it will not hold the President to the same accountability for its proposals that it would if the preparation of the budget were made his direct, affirmative act.

A budget system should be viewed from its political as well as its purely administrative aspects. It has been repeatedly pointed out that the National Government will not have an economical and efficient administration until the voters of the country demand it. It is thus highly desirable that the matter of efficiency and economy be made a political issue; that is one of the tests that will be applied by voters in exercising their electoral function. This can only be attained by making the President directly responsible for his financial and work program. As ex-President Taft has expressed it, the preparation and submission of the budget should be the supreme act of his administration by which the voters are to judge regarding both his proposals and the manner of their fulfillment. The President is the only administrative officer who is elected by the people and is thus the only administrative officer who can be held directly responsible politically.

2. Again, the advocates of a budget system seek by this change in our methods of financial administration to accentuate the responsibility of the President as the head of the administration, or, to express it more directly, as the general manager of the Government as a business corporation. At the present time he has this responsibility only in a most general way. Only in slight degree do the people now hold him directly responsible for the details of administrative organization, procedure, and activities. With the responsibility squarely placed upon him for formulating a budget, he will be compelled to make known in a formal manner his opinion as to what the Government should do and the character of organization that should be provided for its accomplishment. If the bureau of the budget is located in the Treasury Department this responsibility will be shared with, if it is not deemed to be primarily that of, the Secretary of the Treasury.

3. In connection with the foregoing it is important to appreciate that a budget is essentially a work program, as well as a financial proposal. Advocates of conferring authority in respect to the preparation of the budget upon the Secretary of the Treasury fail to give due weight to this fact. Their tendency is to look upon the work of preparing a budget as little more than that of revising estimates of expenditure needs as formulated in the first instance by bureau and departmental heads. They have in mind merely the work of paring down estimates. It must be apparent that the really important thing is the determination of what work shall be undertaken and the scale on which it shall be prosecuted. Responsibility for making decisions of this kind can only be properly placed upon the President. This point was excellently stated by Prof. Cummings in a debate on the relative merits of the Good and McCormick bills at the annual meeting of the American Political Science Association held at Cleveland, Ohio, on December 30, 1919. Replying to those who had spoken in favor of the McCormick proposal that the responsibility for the preparation of the budget be placed on the Secretary of the Treasury, he said:

"I feel a good deal of diffidence in presuming to differ with the gentlemen who last spoke, but I think I must differ with all three of them. I think that they make their fundamental mistake in viewing the budget as a financial measure. It is a financial measure simply incidentally. Your budget is your program of work; it is your administrative program, and the administrative program is up to the President, the chief executive officer, and not up to any financial man. The finances are entirely matters of detail and entirely matters that are purely incidental, and the total amount in your budget should not be fixed by your estimated revenues but by your estimated needs, which is an administrative thing and not a financial thing. You should not take the amount of revenue you raised last year and say 'our budget can not exceed that, no matter what our needs are.' You have got to take your needs first, get them to the point where you are sure they are needs, and then dig up enough revenue to carry them into effect. What does our Government exist for? To give service; not simply to cut down expenditures or to spend money; that is an important part of its program but it is incidental to taking care of its needs. Now, your administrative program certainly does not belong with the Secretary of the Treasury, it belongs with the Chief Executive."

The formulation of a work program, which is the important feature of a budget, in a word is a responsibility of the President, and this responsibility must be direct. It must, moreover, be exercised in direct conjunction with the formulation of the proposals for the means by which this program is to be financed. If the President is to make

decisions in respect to what shall be done and the Secretary of the Treasury to determine the amount of money to be asked of Congress with which to put such decisions into effect, the result will be to divide responsibility between the President and the Secretary of the Treasury. If the latter should really exercise his powers in a positive manner we would have in effect two business managers for the Government.

4. The preparation of a budget, moreover, means something more than passing upon the work, proposals, or programs of the heads of departments. It also means the determination of the particular service or department that shall be entrusted with the performance of an activity once decided as advisable. It is submitted that the only administrative officer who can properly do this is the President. He is the only administrative officer who is the recognized superior of all other administrative officers and whose decision will, as a matter of course, be unhesitatingly acquiesced in. It is impossible to believe that the heads of departments will be equally willing to accept the decisions of the Secretary of the Treasury who, since the organization of our Government, has had only coordinate rank with their own. Ex-President Taft, in discussing this point before the House Select Committee on the Budget, put this matter in this way. He said:

"Now, I think it would be a mistake to place this under the Secretary of the Treasury for the reason that the Secretary of the Treasury is running one of the departments. The Secretary of the Treasury runs one of the departments of the Government, and he is like the Secretary of any other department. If you select the Secretary of the Treasury as the officer to consider the estimates of the other departments, you are going to get into difficulties. Members of the Cabinet are not different from other people, and the pride of department, pride of bureau, and of all the things under them serve to make them all human. Now, the President is the head of the Government, so far as the Executive is concerned, and what he says is more likely to go than what the Secretary of the Treasury says."

It is significant that, with the single exception of Mr. Glass, the Secretary of the Treasury, this position was strongly indorsed by all the witnesses who appeared before that committee who had had practical experience in the conduct of the administrative affairs of the Government—Mr. Franklin D. Roosevelt, Assistant Secretary of the Navy; Mr. Henry S. Stimson, former Secretary of War; Mr. Charles D. Norton, former private secretary to President Taft; Mr. Arthur P. Davis, Director of the Reclamation Service; and Judge W. W. Warwick, Comptroller of the Treasury. This is the opinion of the present chairman of the House Committee on Appropriations, Mr. James W. Goop, and his predecessor in that position, Mr. Swager Sherley. The former, arguing this point, in an address delivered before the Illinois Manufacturers' Association in Chicago, January 9, 1920, said:

"Who shall prepare the budget is a question frequently asked and one that a group of men commissioned to work out a budgetary system for the United States are trying to solve. The more I study the problem the more thoroughly do I become convinced that there can be but one answer to this question. The President is responsible in the main for the work of his administration. He is the only official in the Government who is elected by all the people. He appoints the members of his Cabinet and subordinate officials. The President, and the President alone, can bring about a harmonious working together of his official family, and to him should be committed the responsibility for the preparation of the budget. To give one of the members of his family the power to regulate and control all the activities carried on by the other members of his official family is unnatural and unworkable. For the next 25 years the big political questions in this country will center, not around questions of the coinage of silver or the tariff, but rather around the big business problems of economy and taxation. If this be true, the great act of every administration for the next quarter of a century will be its financial program, and at every general election the electors will be called upon to pass judgment on the economy and efficiency of the administration then in power."

"Of course, the President can not perform this monumental task in person. He must be given a staff of his own choosing upon whom he can place the utmost confidence and who will do the work and prepare for him a budget in accordance with his plan and in harmony with his views. Congress must create a machine by which he can do the work. But the budget when prepared must be the President's budget. The responsibility must be his, and his alone, and the act must be his act. If duplications exist in the services and the budget provides for their continuance, or if waste and extravagance find a place in the estimate of appropriations as contained in the budget, the President will be responsible if they are included in his program. For that responsibility he and his party must answer in the succeeding election."

The testimony of Mr. Swager Sherley, the predecessor of Mr. Goop as chairman of the House Committee on Appropriations, is equally to the point, and is all the more significant in that it represents a reversal of the opinion first held by him. In his testimony before the House Committee on the Budget, he said:

"My thought, in the past, has been that the Secretary of the Treasury should be made the true premier of the Cabinet, and as Secretary of the Treasury should be charged with the function of revising the estimates of his colleagues, but the more I think about that the more I have come to doubt the wisdom of such a provision. The advantages of it are that Congress could very clearly and very directly make it his duty. The Secretary of the Treasury is more peculiarly the officer and agent of the Congress of the United States than any Cabinet officer, and Congress would clearly have the power to require him to perform these functions. But there is necessarily engendered, through such procedure, a friction between that Cabinet officer and other Cabinet officers that might very seriously impair the usefulness of his work and the harmony that ought to exist between executive officers so intimately related, and I have, therefore, rather been led to the belief that the President should be given the facilities for having brought to his attention a consideration of the estimates submitted by the various heads, and that he must then, at the Cabinet table, have determined, under his direct supervision, this question of revision of the estimates of various departments by the Cabinet officers."

"It is very difficult, it seems to me, to give primacy in the true sense to any member of the official family of the President, and, after all, the responsibility rests upon him, and his hand should really be the guiding hand to determine what involves not only a question of expenditure but, through expenditure, the question of administrative policy in the highest sense."

"I have come, therefore, rather to the opinion that it would be desirable to place under the President a sufficient corps of assistants to enable him to acquire the information that he desires and to perhaps put at the head of that an officer whose title and relationship would



be such as to plainly indicate that he was the particular, confidential, close executive officer of the President. If you simply make him a bureau chief in the ordinary acceptance of that term, you will obtain the irritation of all the Cabinet officers at dictation from a bureau chief, in a sense, even more marked than if you made the Secretary of the Treasury or some other Cabinet officer the medium for performing this work. But if you make him, so to speak, the close, confidential agent of the President who brings to the President the information whereby the President, in turn, brings to the Cabinet the data that enables them as his advisers to determine the question, I believe that it would be possible to bring about the harmonious cooperation so necessary for a real reform, for back of any machinery, back of any possible plan, must be the desire on the part of the Executive and his official family to work out the result."

The contrary opinion of Mr. GLASS should be viewed in the light that he undoubtedly had in mind chiefly the work of revising estimates in the sense of cutting down the amounts of money asked, and that he was in a position where it was but natural that he should seek to promote the influence of the particular department of which he was the head.

For the reasons that have been given, it is believed that it will be difficult, if not impossible, for the Secretary of the Treasury effectively to pass upon the proposals of his colleagues at the Cabinet table. It is to be apprehended, therefore, that if the attempt is made to confer any such power upon him he will exercise it in either a timid or perfunctory manner.

5. A further objection to placing authority in respect to the preparation of the budget in the hands of the Secretary of the Treasury is that the Treasury Department is now one of the biggest spending departments of the Government. Overhead or general direction and control, such as is contemplated by a budget system, should be exercised by an officer or organ which is not itself a spending department. The advocates of conferring budgetary power upon the Secretary of the Treasury have sought to meet this objection by proposing that the Treasury Department be stripped of all of its nonfinancial services. This, however, would only partially meet the needs of the situation. The department would still have the administration of a large number of very important and expensive services—the Customs Service, the Internal Revenue Service, the mints, the Bureau of Engraving and Printing, the supervision of national banks, etc.

In this connection it is desirable to distinguish clearly between financial functions which have to do with general or public financial affairs and those which have to do with direction or control of the expenditure side of Government operations. At the present time the functions of the Treasury Department are exclusively of the first kind, if exception be made of the audit of public accounts, which latter function, it is now very generally argued, should be transferred to an independent office reporting directly to the fund-granting authority—Congress. The two classes of functions are wholly dissimilar and confusion in respect to them is due only to the fact that both are designated as financial. Giving to the President a bureau of the budget directly attached to his office would thus in no way lessen the present sphere of activities or importance of the Secretary of the Treasury. To put the bureau of the budget in the Department of the Treasury would mean that one of the biggest spending departments of the Government would be controlled by itself.

6. It has been urged in support of the proposal that the bureau of the budget be located in the Treasury Department that this is the system that obtains in Great Britain, a country which it is acknowledged has an exceptionally efficient budgetary system. Examination, however, will show that this is not a fact. The British treasury, notwithstanding its name, is not a department for the collection, custody, and issue of public moneys, the administration of the public debt, the collection of the revenues, or, indeed, for the performance of any of the important tasks having to do with the direct handling of the financial affairs of the Government. All these matters are handled by other services, known as the revenue services, the commissioner of the public debt, the Bank of England, etc., which are only nominally under the treasury, in much the same way as are all the other spending departments of the Government. The treasury itself, properly speaking, is nothing but a general organ of overhead administration and control having as its primary and almost its sole function the general control of the revenue and spending departments. It has, in a word, practically the status and functions that it is believed the bureau of the budget should have if made an independent service directly under the direction and control of the President. Thus the report of the exceedingly able select committee on national expenditure of the British House of Commons, which made a thorough study of the English budgetary system in 1918, criticized severely the one or two instances where the treasury department had itself undertaken the performance of governmental tasks, and said:

"We believe that the Treasury can not fully exercise its powers of control if it is itself a spending department, and we recommend that the direct responsibility for old-age pensions, which now rests with the board of customs and excise, a subdepartment of the treasury, should be transferred as soon as may be to another department."

A study of the British system would therefore tend to support the position that the bureau of the budget should have this independent status rather than that of having it made a subordinate service under one of the spending departments.

Even were the foregoing not true, the differences between the political systems of England and the United States are such as to render it practically impossible to make our Treasury Department function as does the British Treasury. Almost from time immemorial the British Treasury has been recognized, both inside and outside of the Government, as having a status not only distinct from but superior in authority to the other departments. The history of our Treasury Department has been the reverse of this. For the last hundred years the other departments have looked upon themselves and the Treasury Department as coordinate members in the President's Cabinet. It is almost impossible to conceive of their changing their attitude in this respect, and unless they do it is futile to seek to have the Secretary of the Treasury perform in a really effective manner the function of overhead supervision and control that is of the very essence of the powers of the British Chancellor of the Exchequer.

7. The only affirmative objections that are brought against locating responsibility for the preparation of the budget directly upon the President and in giving to him his own service through which he may meet this responsibility are that the director of such a bureau would either become a sort of super-Cabinet administrative officer or would have a standing that would not enable him courageously to pass upon and re-

vise the estimates of Cabinet officers, and that the President would not have the time to discharge the additional duties thus placed upon him.

In respect to the first, it is of the utmost importance to appreciate that the proposal to create a bureau of the budget under the President does not carry with it any grant of power directly to that service. All grant of power is made directly to the President. The bureau of the budget will be merely the executing agent of the President. It will be the President who will make the decisions. He, and he alone, is in a position to assert his opinion and will over Cabinet officers. The bureau will thus have as its functions merely the raising of questions to be passed upon by the President, and the taking of the necessary steps to insure that decisions once made are carried out. The position of the director of the bureau will thus be strictly analogous to that of the present Private Secretary of the President. The latter will in effect have two private secretaries, one to assist him in handling his general political and personal affairs, and the other to assist him in the discharge of his duties as administrator in chief of the Government. No question can thus arise in respect to either the director of the bureau of the budget becoming an official superior in authority or power to the members of the Cabinet or being in a position where he can not act independently and vigorously in the way of bringing before the President matters affecting the efficiency of the organization of the administrative branch of the Government for the performance of its duties or the relative importance of demands made by the several subdivisions for the grant of funds.

In respect to the second, it is, of course, to be recognized that all the detail work of securing and maintaining records and information regarding the organization or activities of the Government, the justification for the demands made to engage in new activities, or to expand those already under way, the receipt and analysis of requests for funds as they originate in the several services and departments, and the final compilation of the budget, will be performed by the bureau of the budget, no matter where it is located. The President will thus be called upon merely to pass upon specific points that are raised by the bureau as the result of its examination of the estimates as received by it and its special study of administrative problems. It is believed that the President will, in normal times at least, have abundant opportunity to do this work. Both President Taft and his former private secretary, Charles D. Norton, in their testimony before the House Select Committee on the Budget stated unhesitatingly that he would. Thus Mr. Taft, addressing himself directly to this point, said:

"Now it is asked, Can the President do it? Yes; he can do it if you give him the assistants and the machinery with which to do it. If you give him a budget staff such as the Good bill gives him and have that staff made up of competent and expert men who know how, he can devote time to deciding questions that are critical in respect to policy, as the budget shall disclose. When there is a question as between a department and the budget staff as to whether something shall be cut down in the departments, the President would be there to act as final authority and to decide. He is thus backed up by the budget staff if he agrees with them, or by the department if he thinks they have gone too far and cut too much to the quick. Now, the budget is to contain: First, an estimate of the regular income; second, of the revenue and the method of raising it, or so much as the plan of expenditures may require; and, third, the estimates of expenditure with all of it based on the showing of prior years. It is to be the financial working plan of the Government; it is to be the financial review of the state of the mint; and it will contain the personality of the President. It will contain a résumé of his views as to the policy of the Government in every important field of finance, and that will draw to it a great deal of the Government's policies of all kinds."

"Of course, it will involve great labor on the part of the President in determining what those policies should be, but it will be something that he has got to meet; it will be something that he has got to take a part in; and while he has many duties, there will be no duty more important than this."

In practical operation the system would work about as follows: The bureau of the budget, in compiling the estimates, would, for example, find that there are three distinct services of the Government engaged in performing hydrographic and marine survey work—the Coast and Geodetic Survey, making surveys, preparing charts, etc., for the coasts of the United States and its dependencies; the Lakes Survey of the War Department, making marine surveys and preparing charts for the Great Lakes; and the Hydrographic Office of the Navy Department, copying or otherwise reproducing charts of other countries and making special surveys in outlying waters. It would be the duty of the director of the bureau to raise before the President the question as to whether this system of having three distinct services for performing identically the same character of work was a proper one, and whether it would not be more efficient and economical to have all this work done by a single service. The President is the only officer who properly can pass upon a question such as this, involving, as it does, the activities of three separate departments. He could either act upon the recommendation of his director of the budget, or, what is more likely, following the British practice, provide for the appointment of a joint committee, composed of representatives of the departments affected and his own Bureau of the Budget, to consider and report upon the matter before making his final decision.

8. To sum up in a few words the position taken by the advocates of placing direct responsibility for the preparation of the budget upon the President and of giving to him his own service, independent of any of the administrative or spending departments, through which to meet this responsibility, is that a budget after all is but a tool of administration, the means to an end. The real thing sought is to bring about a situation where the President will really and effectively discharge his duties as general manager of the business corporation. That this will mean added duties and responsibilities for the President is, of course, evident; but until these duties are discharged, not merely occasionally, but currently, it is futile to expect that efficiency and economy in the administration of public affairs that the stockholders of any large corporation demand as a matter of right of their executive officers. The system advocated thus means not merely that the President shall once a year perform the important act of submitting his financial and work program, but that he shall currently throughout the year discharge in a more direct manner the duties of a general manager as regards the control of all subordinate services. Only as he does this will he be in a position intelligently to formulate his budget when the time comes. At the present time the President has no agency through which he can keep in close touch with administrative affairs. The bureau of the budget which it is proposed to give to him will furnish such an agency, and it must be evident that no agency located within one of the spending departments could possibly perform these duties in an equally efficient way.



Mr. GOOD. Mr. Chairman, I ask unanimous consent that we return now to page 50 of the bill, to an item that we passed over, commencing with an amendment pending, offered by the gentleman from Oklahoma.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the Clerk will read the paragraph passed over, together with the amendment.

There was no objection.

The Clerk read as follows:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906; and furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in the national cemeteries, \$100,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 50, line 12, after the period insert a new paragraph:

"For furnishing headstones of durable stone or other durable material for the graves of soldiers, sailors, and marines of the war with Germany in national, city, town, and village cemeteries, naval cemeteries at navy yards, and stations of the United States, where on account of the financial condition of relatives or other circumstances no headstone can be erected, \$50,000."

Mr. GOOD. Mr. Chairman, I think a point of order was reserved to the amendment. Since that paragraph was under consideration I have read the matter, taken it up with Maj. Lemly, who has charge of this division, to see what the situation is. I doubt very much if they really have the power to do what they claim they are doing. I think it will be necessary to have legislation to buy headstones, if that is determined by the Congress, to place over the graves of the soldiers of this war whose bodies are returned and placed in private cemeteries or in cemeteries outside of national cemeteries. Now, they would have authority under the provision of law for the purchase of headstones in national cemeteries, but Maj. Lemly advised the committee that the department proposes to work out this matter and come to the Congress with a concrete proposition in reference to it. The committee has reported all the department asked for, \$100,000. Whatever may be the will of the Congress in the matter, of course, will be the will of the Committee on Appropriations. That is to say, if the Congress shall enact legislation to provide headstones to be placed over the graves of these soldiers, no matter in what cemeteries the bodies may be interred; if that legislation be enacted, why, of course, the appropriation will be forthcoming, so I trust the gentleman will withdraw his amendment.

Mr. McKEOWN. Mr. Chairman, I suggest to the gentleman, does not he think it will be necessary to amend the language, even though we do not appropriate any additional money? Does not the gentleman think that the language proposed in the paragraph ought to be amended, after the word "marine," in line 3, to include "soldiers, sailors, and marines of the war with Spain and the war with Germany"? I do not believe that language, while they may give it that construction—

Mr. GOOD. They say they are doing that very thing, and the language is broad enough.

Mr. McKEOWN. I know, but I think it is a dangerous policy to permit a department to be forced to construe language in order to meet a condition that arises. I think the Congress ought to give full authority in its language, so that the department will not be inclined to make a forced construction. I would like to withdraw the amendment and offer an amendment to include those words in line 3.

Mr. GOOD. Well, now, if the gentleman will read the language carefully he will see that this includes:

And other burial places under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906.

I will say this to the gentleman, I do not know what the will of the Congress is with regard to this matter, and I do not believe the gentleman knows, and the Congress ought to go into it first and then appropriate afterwards.

Mr. McKEOWN. The amendment which I propose now does not propose to add an additional dollar to the appropriation. It simply makes it so they can use it if they have the money, and I think it ought to be put in.

Mr. GOOD. What I am afraid of in making amendments on the floor in matters of this kind is that we may do something so that the Department will say that they can not expend the money in the procurement of headstones. Now, they say they

can secure headstones and have been securing headstones not only for the soldiers of the Civil War and the War with Spain but for soldiers of the war with Germany. That being the case, it seems to me that the administrative officers having decided that question, I would look with some disfavor upon amending it until I know the matter has been submitted to the administrative officers for fear we might make a worse mess of it.

Mr. McKEOWN. That is the very thing that I am complaining about, that we ought not to permit a department to make a strained construction of language which is plain and which does not apply and does not include these soldiers, but we ought to so say so that they will not have to make a strained construction.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. MANN of Illinois. Is it not a fact that this money must be expended in accordance with certain acts of Congress named in the paragraph?

Mr. McKEOWN. Yes; I take it that is true.

Mr. MANN of Illinois. Well, any amendment which the gentleman offered would not affect those acts of Congress, would it?

Mr. McKEOWN. Well, if they are using the money now, I will say to the gentleman from Illinois, and applying it to the soldiers of the War with Spain without any special act of Congress, why, it would certainly cover that situation.

Mr. MANN of Illinois. Well, I do not know how it is used now, except as stated by the gentleman from Iowa. Congress has passed special legislation upon this subject several times, and this paragraph in the bill making the appropriation authorizes these things in accordance with certain acts of Congress. That is all they can do, it seems to me. The legislation is on the statute books.

Mr. McKEOWN. Does not the gentleman think that some provision should be made to take care of the soldiers of the last war, those of the late war with Germany, in marking their graves as well as the others?

Mr. MANN of Illinois. Well, it may be that some provision ought to be made, although I doubt very much the desirability of offering to pay a fixed sum of money to the relatives of every one who died regardless of the need for it.

Mr. McKEOWN. But my provision covers wherever the financial condition of the relatives is such that they can not construct a monument.

Mr. MANN of Illinois. That is the amendment which the gentleman sought to propose and withdrew.

Mr. McKEOWN. Yes, sir.

Mr. MANN of Illinois. And offered in place of it language which does not cover that, and I doubt whether the suggested amendment now would do any good or make any change because the appropriation is to be expended under the provision of certain acts of Congress.

I do not recall just what they are. I am frank to say that. I do not think we could enlarge it without legislating.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to withdraw the amendment inserting a new paragraph and to offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McKEOWN: On page 50, line 3, after the word "marines," insert the words "soldiers, sailors, and marines of the War with Spain and of the war with Germany."

Mr. GOOD. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. McKEOWN] desire to be heard on the point of order?

Mr. McKEOWN. Mr. Chairman, I do not care to take up further time of the committee. I think that legislation ought to be enacted, and I think the demand is very clear. If the gentleman is going to make a point of order I will say that I do not think it is subject to a point of order.

The CHAIRMAN. The Chair, of course, can not concern himself with the merits of the gentleman's amendment. The Chair has examined, so far as he has been able, during the informal debate that has just taken place, the law with reference to the placing of headstones at the head of graves of soldiers and sailors of the United States. The Chair finds that there is authority for the purchase and placement of these headstones, so far as soldiers who fought in the Civil War are concerned, but is unable to find any authority for the purchase and placement of headstones of soldiers or sailors of the late World War. The Chair therefore thinks that the amendment is new legislation and is not in order upon an appropriation bill, and therefore sustains the point of order.



Mr. GOOD. Mr. Chairman, I ask unanimous consent to return to page 65, to the item beginning on line 3.

The CHAIRMAN. Without objection, the Clerk will report the item passed over, and the pending amendment to the same.

Mr. GOOD. Mr. Chairman, this item was not passed over. I just want to offer an amendment striking out the word "Aqueduct," in line 3, and insert in lieu thereof the word "Georgetown," so as to make it conform to the amendment offered on the floor of the House.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 3, strike out the word "Aqueduct" and insert in lieu thereof the word "Georgetown."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. GOOD. Mr. Chairman, I ask to return to page 102, line 17.

The CHAIRMAN. The Clerk will read the paragraph passed over on page 102 and the pending amendment.

The Clerk read as follows:

Page 102, line 17: "Okanogan project, Washington: For operation and maintenance, continuation of construction, and incidental operations, \$196,000."

Also the following amendment was read:

Amendment by Mr. WEBSTER: Page 102, line 17, after the word "operations," strike out "\$196,000" and insert in lieu thereof the following: "\$666,000: *Provided*, That no part of the moneys hereby appropriated shall become available for the construction of a permanent pumping plant until such action has been taken as may be satisfactory to the Secretary of the Interior to relieve the lands of the Okanogan project from liability for the obligations of the Methoy-Okanogan Irrigation district to the extent deemed necessary by the said Secretary to fully safeguard the interests of the United States for the funds invested in that project."

Mr. FRENCH. Mr. Chairman—

The CHAIRMAN. The Chair wishes to state that a point of order is pending.

Mr. GOOD. I withdraw my reservation of the point of order.

The CHAIRMAN. The gentleman from Idaho is recognized on the amendment.

Mr. FRENCH. Mr. Chairman, I want to direct the attention of the House for just a few minutes to the importance of the amendment of the gentleman from Washington [Mr. WEBSTER].

A very critical situation confronts the Government and confronts the settlers upon the Okanogan project. There are 8,000 acres of land involved and it was originally planned as a project to be reclaimed entirely through a gravity system by means of storage waters from what seemed to be ample watersheds. The Government, through the reclamation engineers, exercised all proper care in providing for the number of acres to be reclaimed. It made an examination covering a period of at least five years and found that the snowfall and the waterfall in the watersheds above the land was abundantly sufficient to furnish from 30,000 to upward of 50,000 acre-feet annually. That would mean, then, between 3 and 5 feet of water on every acre of the project. The project was carried through on this basis and succeeding years justified the action of the Government. The land was settled and the settlers put the land almost entirely into orchards, and to-day the 8,000 acres of land are covered with fruit trees. Three years ago the settlers were disappointed in a change of climatic conditions, and instead of from thirty to over fifty thousand acre-feet in the watershed the amount fell to approximately 8,000 to 10,000 acre-feet, and the year following only 14,000 acre-feet of water was available, or less than 2 acre-feet for each acre of land, and the following year, which is this year, 4,000 acre-feet of water, or, in other words, 6 inches of water for each acre under the project. Here had occurred a climatic change that no human being could foresee.

A most critical situation has arisen. The orchards are new. They are young. Unless water can be furnished to the tract now while the orchard is growing the trees will be stunted and the effect of not having water at this time will mean the same for them as insufficient nourishment means to a child. It simply stunts the growth, and the trees in the future years, no matter if water shall be furnished, will not be able to be the successfully bearing trees that they would be if the water can now be furnished. The land being in orchard presents an entirely different situation than if the land were in wheat or other annual crop. The amount of money asked for can be used in the latter part of this summer and next fall and next spring in the construction of a pumping plant to supplement the gravity-flow system that now exists. The department estimates that the amount will be ample. The water can be pumped from the Okanogan River, which flows right below the bench on which the tract of land is located.

More than that, the Director of the Reclamation Service advises me that the situation is absolutely critical, and regardless of what we may do with regard to others of the projects that have been the object of supplemental estimates, this project must be taken care of or great loss will occur.

I will say further that I have at least two projects in my own State that have been reported and recommended in the supplemental estimates. There are several others in the Western States of the same nature, but not one of them is on all fours with the project I have referred to. They are important, and as money shall come into the reclamation fund they should be taken care of. But, gentlemen, this project is critical. The others can be taken care of by supplemental appropriations later on this year from the receipt of moneys under the gas and oil leasing laws or other land laws, if the moneys shall be available. But for the immediate need it is most important and necessary that this amendment shall be carried through.

Again, it is necessary in order to protect the interests of the Government. The Government has one and one-quarter million dollars invested in the project. The settlers have twice as much, and both their interests must be protected.

Now, some one may say, "Why does not the project as a project hypothecate the values therein and borrow the money, and put in a pumping plant?" The project can not do it, for the reason that it is a Government project, and the Government's claim covers the first lien on all the land under the project, and therefore no community moneys could be borrowed. Furthermore, the same reason that obtains to prevent the community or project from borrowing money prevents the individuals themselves from borrowing money to carry on this work that is so vitally necessary.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAYTON. Suppose the water supply fails next year and the year after and the year after that? Would they still ask Congress for help?

Mr. FRENCH. No. The relief furnished will be of permanent character. It will be an auxiliary system. The main system will be the gravity flow. This will be an auxiliary system to help out in case of need, and its cost will be paid for by the settlers the same as the original cost. [Applause.]

Mr. MONDELL. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Wyoming withdraws the point of order.

Mr. MONDELL. I think the appropriation should be made, but I regret the conditions which seem to make it necessary. I am not at all certain that what is now proposed to be done will permanently relieve the situation at Okanogan. A pumping plant such as is now proposed here, such as seems to be required, involves in addition to the large initial expenditure the expenditure of a large amount of money annually for operation and will lay a very heavy additional burden on these settlers. I do not know just who is responsible for the situation which seems to exist. Some one is, I fear, grievously at fault. Some one has committed a very great error of judgment in the computation of the water supply for this project, making it necessary to add the supplemental pumping system. But it seems at least we are told this must be done to save the investment which has been made, and the best we can do is to hope that the settlers may be able to pay out, and what is more, that they will realize the unusual action that is being taken in their behalf and be disposed to pay promptly. [Applause.]

Mr. GOOD. Mr. Chairman, in a statement that I made when the bill was presented I tried to make clear what the purpose of the committee was in regard to the supplemental estimate, aggregating \$5,000,000 for reclamation projects. Since that time the Director of the Reclamation Service has written me a letter with regard to this one project. I read a portion of his letter regarding this item. He says:

It is of the utmost importance that this special estimate for the Okanogan project be allowed in full, as any shortage in this may be fatal to the bearing orchards and destroy the value of the property on which the security of the Government investment rests.

I dislike to see this amount of money appropriated in addition to that already carried. But Mr. Davis further makes it plain that there is no question but that this additional amount will be received by the reclamation fund out of the provisions of the oil-leasing bill. That being the case I do not want to take the responsibility of saying that we should not aid this project, which the director thinks is critical, and where he thinks the Government investment may be impaired or even lost, unless some provision is made to supply these orchards with water. I do not care for myself to take the responsibility of opposing the amendment. Both the director and those who are familiar with the project and the needs of the service there

and have a peculiar knowledge with regard to it, are urgently requesting it.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. RAKER. The committee had hearings upon this particular item, did they not?

Mr. GOOD. Yes. We had hearings upon all of them.

Mr. RAKER. What is the amount?

Mr. GOOD. The amount is \$470,000.

Mr. RAKER. That is to put in a supplemental plant?

Mr. GOOD. To put in a pumping plant, to make good the shortage of the water for this project, consisting of about 8,000 acres of land, practically all in orchards.

Mr. RAKER. Do these people agree to pay the additional expense?

Mr. GOOD. Yes. It brings the total cost up, as I recall, to \$150 an acre.

Mr. RAKER. Mr. Chairman, I move to strike out the last seven words of the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman, from the statement made by the chairman of the committee [Mr. Good] and the gentleman from Idaho [Mr. French], of course, this project needs consideration. But we hope that this \$470,000 additional will not be so much that the land owners will not be able to pay out, and that before the money is expended—

Mr. GOOD. The value of the crop is about \$300 a year per acre.

Mr. RAKER. Then, in addition to that, it just shows the magnanimity of three or four of the other States that have not received any of this reclamation fund on the sales of public lands. We are just now putting into the reclamation fund a large sum of money by virtue of the oil-leasing bill, which comes back from royalties that are being paid to the Government. Of course, our people in California will feel a little bit curious to realize at the very moment when the money is placed in the reclamation fund, with so many thousand acres of land in California susceptible of irrigation, where the yield per acre is from three to five times as much as indicated on the land designated, that the funds should be transferred to another State. But successful development is what we want, and we wish to protect this project and see that it is carried out, with the view in mind that these proper projects in California, which State, if furnishing a large amount of this money, will afterwards be provided for.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. Webster].

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last paragraph in the bill.

The CHAIRMAN. The Chair will state that there is nothing pending now before the committee. The last paragraph has been passed.

Mr. GOOD. What does the gentleman want?

Mr. BLANTON. I want just two minutes.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLANTON. Mr. Chairman, we have just finished the last great supply measure, and, much to my surprise, we did not have the usual speech from the gentleman from Wyoming [Mr. Mondell] telling us just exactly how much money this Republican House had saved on this particular bill. The last time I figured it up, according to the gentleman's estimates, we had saved \$1,800,000,000.

I only wish that we had numerous other supply measures to be acted upon at this session before we recess, because if we had, and if the gentleman could keep up the same ratio, he would probably have us out of debt before we recessed. [Laughter.] I do not know why he has not availed himself of the opportunity; but I want to say that next week the 19th of May will come around. It is usual on great anniversary occasions to have some kind of commemoration of the event, and when we get back into the House, either to-day or to-morrow, I am going to ask unanimous consent of the House that on the 19th of May I be permitted to proceed, say, five hours, in order to tell the country, in commemoration of the anniversary of the great Republican Party taking charge of this House, some of the great constructive (?) measures which have been passed (?) by the party in power.

Mr. GOOD. Does the gentleman think five hours would be sufficient?

Mr. BLANTON. I hardly think so. I think it would take a longer time than that.

Mr. STEVENSON. I think that in five minutes everything that this Republican majority has done could be told, with time to spare. [Laughter.]

Mr. BLANTON. I do not want the gentleman from South Carolina to interrupt my attempt at facetiousness.

On motion of Mr. Good, the committee rose; and Mr. MANN of Illinois having taken the chair as Speaker pro tempore, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the sundry civil appropriation bill, H. R. 13870, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GOOD. I move the previous question on the bill and amendments to the final passage.

The SPEAKER pro tempore. The gentleman from Iowa moves the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any of the amendments?

Mr. BLANTON. I ask for a separate vote on the two Newton amendments. I presume the vote could be taken on both at one time. They are similar amendments, and I ask unanimous consent that the vote may be taken on the two at one time.

The SPEAKER pro tempore. The gentleman from Texas asks for a separate vote on the two so-called Newton amendments. Is a separate vote demanded on any other amendment? If not, the Chair will put them en bloc.

The other amendments were agreed to.

The SPEAKER pro tempore. The question now recurs upon the so-called Newton amendments; and the gentleman from Texas [Mr. Blanton] asks unanimous consent that the vote be taken on both amendments together. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Newton amendments.

The Clerk read as follows:

Page 18, line 3, strike out the figures "\$2,357,000" and insert in lieu thereof the figures "\$2,569,000."

Page 18, line 17, strike out the figures "\$1,905,000" and insert in lieu thereof the figures "\$2,023,125."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 71, noes 13.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum present. I do not like that 13 vote.

The SPEAKER pro tempore. The gentleman from Texas makes the point of no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of agreeing to the amendments will, as their names are called, answer "yea," those opposed "nay."

The question was taken; and there were—yeas 240, nays 38, answered "present" 2, not voting 147, as follows:

YEAS—240.

Ackerman	Candler	Evans, Mont.	Hickey
Almon	Chindblom	Evans, Nebr.	Hicks
Anderson	Christopherson	Fisher	Hoey
Andrews, Md.	Classon	Flood	Holland
Andrews, Nebr.	Cleary	Fordney	Houghton
Anthony	Coady	Foster	Howard
Ashbrook	Copley	Frear	Hudspeth
Ayres	Crago	Freeman	Hull, Iowa
Babka	Cramton	Fuller, Ill.	Hull, Tenn.
Barbour	Crowther	Gallagher	Hutchinson
Barkley	Cullen	Gallivan	Igoe
Bee	Currie, Mich.	Gandy	Ireland
Benham	Dale	Gard	Jacoway
Benson	Dallinger	Gard	James
Black	Darrow	Garland	Johnson, Ky.
Bland, Ind.	Davis, Minn.	Glynn	Johnson, S. Dak.
Bland, Mo.	Davis, Tenn.	Godwin, N. C.	Johnson, Wash.
Bland, Va.	Dickinson, Mo.	Goldfogie	Juhl
Boles	Dickinson, Iowa	Goodall	Kahn
Boother	Doughton	Green, Iowa	Kearns
Bowers	Dowell	Greene, Mass.	Keller
Briggs	Drewry	Hardy, Colo.	Kincheloe
Britten	Dunbar	Hardy, Tex.	King
Brooks, Ill.	Dunn	Harrelld	Kinkaid
Browne	Dupré	Haugen	Kiecza
Burdick	Eagan	Hawley	Knutson
Burke	Eagle	Hays	Lampert
Byrns, Tenn.	Elliott	Hersey	Lanham
Caldwell	Esch	Hersman	Lankford



Layton	Moore, Ohio	Rainey, Ala.	Stiness
Lea, Calif.	Moore, Va.	Rainey, J. W.	Stoll
Lehlbach	Moores, Ind.	Raker	Strong, Kans.
Leshner	Morgan	Ramsey	Sweet
Linthicum	Mott	Ramseyer	Swope
Little	Mudd	Randall, Calif.	Tagge
Loneragan	Murphy	Randall, Wis.	Taylor, Ark.
Lufkin	Neely	Rayburn	Taylor, Tenn.
Lubring	Nelson, Mo.	Reavis	Thomas
McAndrews	Newton, Minn.	Reed, N. Y.	Tilson
McArthur	Newton, Mo.	Reed, W. Va.	Timberlake
McClintic	Nicholls	Ricketts	Treadway
McGlennon	O'Connell	Riordan	Vaile
McKeown	O'Connor	Robson, Ky.	Venable
McKiniry	Ogden	Rogers	Walters
McLane	Oldfield	Rubey	Ward
McLaughlin, Mich.	Oliver	Sanders, La.	Watkins
McLaughlin, Nebr.	Olney	Sanders, N. Y.	Watson
MacGregor	Osborne	Scott	Weaver
Magee	Padgett	Sells	Welling
Maher	Paige	Sherwood	Welty
Major	Park	Siegel	White, Me.
Mapes	Parker	Sims	Wilson, Ill.
Mays	Parrish	Sinnott	Wilson, Pa.
Mead	Pell	Slemp	Wingo
Michener	Peters	Small	Winslow
Miller	Phelan	Smith, Idaho	Woods, Va.
Milligan	Pou	Smith, Mich.	Woodyard
Minahan, N. J.	Purnell	Stedman	Young, N. Dak.
Monahan, Wis.	Radcliffe	Stephens, Miss.	Young, Tex.
Mooney			Zihlman

## NAYS—38.

Blanton	Garner	Mann, Ill.	Summers, Tex.
Box	Good	Mansfield	Tischer
Brand	Greene, Vt.	Martin	Vinson
Buchanan	Hamilton	Mondell	Webster
Byrnes, S. C.	Hoch	Montague	White, Kans.
Cannon	Johnson, Miss.	Quin	Wilson, La.
Clark, Mo.	Jones, Tex.	Robinson, N. C.	Wise
Collier	Larsen	Sisson	Wright
Dominick	Luce	Stevenson	
French	McDuffie	Summers, Wash.	

## ANSWERED "PRESENT"—2.

Langley Wason

## NOT VOTING—147.

Aswell	Echols	Kendall	Rucker
Bacharach	Edmonds	Kennedy, Iowa	Sabath
Baer	Ellsworth	Kennedy, R. I.	Sanders, Ind.
Bankhead	Elston	Kettner	Sanford
Begg	Emerson	Kiess	Seully
Bell	Evans, Nev.	Kitchin	Sears
Blackmon	Fairfield	Kraus	Shreve
Brinson	Ferris	Kreider	Sinclair
Brooks, Pa.	Fess	Lazaro	Smith, Ill.
Brumbaugh	Fields	Lee, Ga.	Smith, N. Y.
Burroughs	Focht	Longworth	Smithwick
Butler	Fuller, Mass.	McCulloch	Snell
Campbell, Kans.	Garrett	McFadden	Snyder
Campbell, Pa.	Goodwin, Ark.	McKenzie	Steagall
Cantrill	Goodykoontz	McKinley	Steele
Caraway	Gould	McPherson	Steenson
Carew	Graham, Ill.	MacCrate	Stephens, Ohio
Carss	Graham, Pa.	Madden	Strong, Pa.
Carter	Griest	Mann, S. C.	Sullivan
Casey	Griffin	Mason	Taylor, Colo.
Clark, Fla.	Hadley	Merritt	Temple
Cole	Hamill	Moon	Thompson
Connally	Harrison	Morin	Tillman
Cooper	Hastings	Nelson, Wis.	Tinkham
Costello	Hayden	Overstreet	Towner
Crisp	Heflin	Platt	Upshaw
Curry, Calif.	Hernandez	Porter	Vare
Davey	Hill	Rainey, H. T.	Vestal
Dempsey	Huddleston	Reber	Voigt
Denison	Hulings	Rhodes	Volstead
Dent	Humphreys	Riddick	Walsh
Dewalt	Husted	Rodenberg	Whaley
Donovan	Jefferis	Romjue	Williams
Dooling	Johnston, N. Y.	Rose	Wood, Ind.
Doremus	Jones, Pa.	Rouse	Yates
Drane	Kelley, Mich.	Rowan	
Dyer	Kelly, Pa.	Rowe	

So the amendments were agreed to.

The following pairs were announced:

Until further notice:

Mr. WALSH with Mr. CONNALLY.

Mr. LONGWORTH with Mr. KITCHIN.

Mr. MORIN with Mr. HAYDEN.

Mr. HERNANDEZ with Mr. HASTINGS.

Mr. COLE with Mr. KETTNER.

Mr. BACHARACH with Mr. CARSS.

Mr. SNYDER with Mr. CARTER.

Mr. RHODES with Mr. TILLMAN.

Mr. KELLEY of Michigan with Mr. STEELE.

Mr. FAIRFIELD with Mr. DAVEY.

Mr. MADDEN with Mr. BELL.

Mr. ROWE with Mr. MOON.

Mr. FESS with Mr. DEWALT.

Mr. DYER with Mr. RUCKER.

Mr. FOCHT with Mr. CASEY.

Mr. BUTLER with Mr. CAMPBELL of Pennsylvania.

Mr. CAMPBELL of Kansas with Mr. CRISP.

Mr. MERRITT with Mr. LAZARO.

Mr. WHEELER with Mr. GRIFFIN.  
 Mr. WOOD of Indiana with Mr. OVERSTREET.  
 Mr. GRIEST with Mr. CAREW.  
 Mr. MCKINLEY with Mr. GARRETT.  
 Mr. YATES with Mr. HARRISON.  
 Mr. KIESS with Mr. CLARK of Florida.  
 Mr. TEMPLE with Mr. HUDDLESTON.  
 Mr. GRAHAM of Pennsylvania with Mr. FERRIS.  
 Mr. NELSON of Wisconsin with Mr. HEFLIN.  
 Mr. WILLIAMS with Mr. LEE of Georgia.  
 Mr. MACCRATE with Mr. BRINSON.  
 Mr. VARE with Mr. SABATH.  
 Mr. ELSTON with Mr. WHALEY.  
 Mr. KREIDER with Mr. ASWELL.  
 Mr. KENNEDY of Rhode Island with Mr. SULLIVAN.  
 Mr. STEPHENS of Ohio with Mr. UPSHAW.  
 Mr. EDMONDS with Mr. HUMPHREYS.  
 Mr. SANFORD with Mr. TAYLOR of Colorado.  
 Mr. TINKHAM with Mr. SMITHWICK.  
 Mr. MCKENZIE with Mr. DRANE.  
 Mr. TOWNER with Mr. BANKHEAD.  
 Mr. BROOKS of Pennsylvania with Mr. DOOLING.  
 Mr. KENDALL with Mr. MANN of South Carolina.  
 Mr. VOLSTEAD with Mr. HENRY T. RAINY.  
 Mr. CURRY of California with Mr. GOODWIN of Arkansas.  
 Mr. SHREVE with Mr. ROWAN.  
 Mr. THOMPSON with Mr. SEARS.  
 Mr. RODENBERG with Mr. EVANS of Nevada.  
 Mr. KELLY of Pennsylvania with Mr. CARAWAY.  
 Mr. SNELL with Mr. SCULLY.  
 Mr. ROSE with Mr. BLACKMON.  
 Mr. DENISON with Mr. JOHNSTON of New York.  
 Mr. BEGG with Mr. HAMILL.  
 Mr. HULINGS with Mr. CANTRILL.  
 Mr. DEMPSEY with Mr. ROMJUE.  
 Mr. STRONG of Pennsylvania with Mr. SMITH of New York.  
 Mr. PORTER with Mr. DENT.  
 Mr. BURROUGHS with Mr. DONOVAN.  
 Mr. HILL with Mr. BRUMBAUGH.  
 Mr. JONES of Pennsylvania with Mr. DOREMUS.  
 Mr. SANDERS of Indiana with Mr. FIELDS.  
 Mr. ROUSE (for) with Mr. STEENPERSON (against).  
 Mr. LANGLEY. Mr. Speaker, I voted "aye," but I have a general pair with the gentleman from Florida [Mr. CLARK]. I do not know how he would vote, and I therefore withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DICKINSON of Missouri. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DICKINSON of Missouri. No; I am in favor of the bill.

The SPEAKER. Is there any Member opposed to the bill who wishes to offer a motion to recommit? If not, the Clerk will report the motion of the gentleman from Missouri.

The Clerk read as follows:

Mr. DICKINSON of Missouri moves to recommit this bill to the Committee on Appropriations, with instructions to report the same back to the House forthwith with an amendment on pages 53 and 54, by striking out the words and figures "not exceeding \$100,000," on lines 23 and 24, page 53, and also striking out the words to the end of the sentence following those figures and inserting in lieu thereof the following: "not exceeding \$500,000 for personal services in the cemetery division, Office of the Quartermaster General, War Department, for compiling, recording, preparing, and transmitting data incident to the disposition of the remains referred to herein; this sum may be expended notwithstanding the third proviso of the paragraph entitled 'Temporary employees, War Department,' contained in the legislative, executive, and judicial appropriation act for the fiscal year 1921."

Mr. GOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was being taken, when Mr. DICKINSON of Missouri demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 153, answered "present" 2, not voting 141, as follows:

## YEAS—131.

Almon	Babka	Benson	Bland, Mo.
Ashbrook	Barkley	Black	Bland, Va.
Ayres	Bee	Bland, Ind.	Boohar

Brand	Godwin, N. C.	Martin	Riordan
Briggs	Goldfogle	Mays	Robinson, N. C.
Brumbaugh	Hersman	Mead	Romjue
Buchanan	Hoey	Milligan	Rouse
Burke	Holland	Minahan, N. J.	Rubey
Byrnes, S. C.	Howard	Montague	Sanders, La.
Byrns, Tenn.	Hudspeth	Moon	Sherwood
Caldwell	Hull, Tenn.	Mooney	Sims
Candler	Igoe	Moore, Va.	Small
Clark, Mo.	Jacoway	Morgan	Stedman
Cleary	Johnson, Ky.	Neely	Stevenson
Coady	Johnson, Miss.	Nelson, Mo.	Stoll
Collier	Jones, Tex.	Nicholls	Summers, Tex.
Cullen	Kincheloe	O'Connell	Tague
Davis, Tenn.	Lanham	O'Connor	Taylor, Ark.
Dickinson, Mo.	Larsen	Oldfield	Thomas
Dominick	Lea, Calif.	Oliver	Venable
Doughton	Leshner	Olney	Vinson
Drewry	Lanthicum	Overstreet	Watkins
Dupré	Loneragan	Padgett	Weaver
Eagan	McAndrews	Park	Welling
Evans, Mont.	McClintic	Parrish	Welty
Fisher	McDuffie	Pell	Wilson, La.
Flood	McGlennon	Phelan	Wilson, Pa.
Gallagher	McKeown	Pou	Wingo
Gallivan	McKinley	Quin	Wise
Gandy	McLane	Rainey, H. T.	Woods, Va.
Ganly	Maher	Rainey, J. W.	Wright
Gard	Major	Randall, Calif.	Young, Tex.
Garner	Mansfield	Rayburn	

## NAYS—153.

Ackerman	French	Lehlbach	Ricketts
Anderson	Fuller, Ill.	Little	Robison, Ky.
Andrews, Md.	Fuller, Mass.	Longworth	Rogers
Andrews, Nebr.	Garland	Luce	Sanders, N. Y.
Anthony	Glynn	Lufkin	Sanford
Barbour	Good	Luhling	Schall
Benham	Goodall	McArthur	Scott
Blanton	Graham, Ill.	McKenzie	Sells
Boles	Green, Iowa	McLaughlin, Mich.	Sinnott
Box	Greene, Mass.	McLaughlin, Nebr.	Sisson
Britten	Greene, Vt.	MacGregor	Smith, Idaho
Brooks, Ill.	Hamilton	Magee	Smith, Mich.
Browne	Hardy, Colo.	Mann, Ill.	Steenerson
Burdick	Harrel	Mapes	Stines
Campbell, Kans.	Haugen	Michener	Strong, Kans.
Cannon	Hawley	Miller	Summers, Wash.
Chindblom	Hays	Monahan, Wis.	Sweet
Christopherson	Hersey	Mondell	Swope
Classon	Hickey	Moore, Ohio	Taylor, Tenn.
Copley	Hicks	Moore, Ind.	Tilson
Crago	Hoch	Mott	Timberlake
Cramton	Houghton	Mudd	Tincher
Crowther	Hull, Iowa	Murphy	Treadway
Currie, Mich.	Hutchinson	Newton, Minn.	Vaile
Dale	Ireland	Newton, Mo.	Volstead
Dallinger	James	Nolan	Ward
Darrow	Johnson, S. Dak.	Ogden	Wason
Davis, Minn.	Johnson, Wash.	Osborne	Watson
Dickinson, Iowa	Juhl	Paige	Webster
Dowell	Kahn	Parker	White, Kans.
Dunbar	Kearns	Peters	White, Me.
Dunn	Kelner	Purnell	Wilson, Ill.
Elliott	King	Radcliffe	Winslow
Esch	Kinkaid	Raker	Woodward
Evans, Nebr.	Klecza	Ramsey	Young, N. Dak.
Fordney	Knutson	Ramseyer	Zihlman
Foster	Lampert	Randall, Wis.	
Frear	Langley	Reed, N. Y.	
Freeman	Layton	Reed, W. Va.	

## ANSWERED "PRESENT"—2.

Eagle Madden

## NOT VOTING—141.

Aswell	Echols	Kendall	Sears
Bacharach	Edmonds	Kennedy, Iowa	Shreve
Baer	Ellsworth	Kennedy, R. I.	Siegel
Bankhead	Elston	Kettner	Sinclair
Begg	Emerson	Kless	Slemp
Bell	Evans, Nev.	Kitchin	Smith, Ill.
Blackmon	Fairfield	Kraus	Smith, N. Y.
Bowers	Ferris	Kreider	Smithwick
Brinson	Fess	Lankford	Snell
Brooks, Pa.	Fields	Lazaro	Snyder
Burroughs	Focht	Lee, Ga.	Steagall
Butler	Garrett	McCulloch	Steele
Campbell, Pa.	Goodwin, Ark.	McFadden	Stephens, Miss.
Cantrill	Goodykoontz	McKinley	Stephens, Ohio
Caraway	Gould	McPherson	Strong, Pa.
Carew	Graham, Pa.	MacCrate	Sullivan
Carrs	Griest	Mann, S. C.	Taylor, Colo.
Carter	Griffin	Mason	Temple
Casey	Hadley	Merritt	Thompson
Clark, Fla.	Hamill	Morin	Tillman
Cole	Hardy, Tex.	Nelson, Wis.	Tinkham
Connally	Harrison	Platt	Towner
Cooper	Hastings	Porter	Upshaw
Costello	Hayden	Rainey, Ala.	Vare
Crisp	Hedlin	Reavis	Vestal
Curry, Calif.	Hernandez	Reber	Voigt
Davey	Hill	Rhodes	Walsh
Dempsey	Huddleston	Riddick	Walters
Denison	Hulings	Rodenberg	Whaley
Dent	Humphreys	Rose	Wheeler
Dewalt	Husted	Rowan	Williams
Donovan	Jefferis	Rowe	Wood, Ind.
Dooling	Johnston, N. Y.	Rucker	Yates
Doremus	Jones, Pa.	Sabath	
Drane	Kelley, Mich.	Sanders, Ind.	
Dyer	Kelly, Pa.	Scully	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. VOIGT (for) with Mr. LAZARO (against).  
Mr. GOODWIN of Arkansas (for) with Mr. EAGLE (against).

Until further notice:

Mr. REAVIS with Mr. TAYLOR of Colorado.

Mr. MAGEE with Mr. STEAGALL.

Mr. WALTERS with Mr. KITCHIN.

Mr. COOPER with Mr. CRISP.

Mr. COSTELLO with Mr. STEPHENS of Mississippi.

Mr. SLEMP with Mr. DRANE.

Mr. DEMPSEY with Mr. LANKFORD.

Mr. MCFADDEN with Mr. RAINY of Alabama.

Mr. McCULLOCH with Mr. HARDY of Texas.

Mr. MADDEN. Mr. Speaker, did the gentleman from Georgia, Mr. BELL, vote?

The SPEAKER. He did not vote.

Mr. MADDEN. Mr. Speaker, I am paired with him. He and I were sitting in the Postal Committee all of the afternoon. I voted "no," and I desire to withdraw my vote of "no" and answer "present."

The name of Mr. MADDEN was called, and he answered "Present."

Mr. EAGLE. Mr. Speaker, I desire to withdraw my vote of "no" and answer "present."

The name of Mr. EAGLE was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

On motion of Mr. GOOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

## ELECTION TO COMMITTEES.

Mr. GARNER. Mr. Speaker, I move the election of Mr. MILLIGAN, of Missouri, as minority member of the Committee on the Census and the Committee on the Revision of the Laws.

The SPEAKER. The gentleman from Texas offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. GARNER moves the election of Mr. MILLIGAN, of Missouri, to membership on the Committee on the Census and the Committee on the Revision of the Laws.

The SPEAKER. The question is on agreeing to the motion. The motion was agreed to.

## CONSTRUCTION OF HATS.

The SPEAKER. The Chair will take the liberty of notifying the Members of the House that this evening the gentleman from Connecticut, Mr. TILSON, will deliver in the caucus room a lecture, accompanied by moving pictures, upon the construction of hats, to which the Members and their families are invited.

Mr. CLARK of Missouri. Could not the gentleman from Connecticut be induced to give us all a hat? [Laughter.]

## CONTESTED-ELECTION CASE—SALTS V. MAJOR.

Mr. DALLINGER. Mr. Speaker, by direction of the Committee on Elections No. 1, I submit herewith a unanimous report upon the contested-election case of James D. Salt against Samuel C. Major, in the seventh congressional district of Missouri.

The SPEAKER. The gentleman from Massachusetts submits a privileged report, which will be referred to the House Calendar and ordered printed.

## AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. HAUGEN. Mr. Speaker, I submit herewith a conference report on the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, for printing under the rule.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from Iowa when he expects to call up his report?

Mr. HAUGEN. If I may do so, I expect to call it up on Thursday next, although I have not yet conferred with the Speaker.

Mr. LANGLEY. Are garden seeds provided for in the bill?

Mr. HAUGEN. That provision was stricken out in the Senate, though it is still in conference, and the House will have an opportunity to vote upon it.

## ORDER OF BUSINESS.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Thursday next, immediately after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House on Thursday next immediately after the reading of the Journal and the disposition of business on the Speaker's table. Is there objection?



Mr. GREENE of Massachusetts. Mr. Speaker, I understand that the Committee on Interstate and Foreign Commerce are to have Wednesday and Thursday of this week. Does this take those days away from that committee? If that should be interfered with, I shall object.

Mr. MONDELL. Mr. Speaker, I am not clear that the House has definitely fixed Thursday as a Calendar Wednesday day.

Mr. GREENE of Massachusetts. They ought to fix it this week.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. I object, Mr. Speaker, until we get this other matter settled.

#### SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 160. Joint resolution to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of salaries; to the Committee on Reform in the Civil Service.

S. J. Res. 161. Joint resolution to exempt the New York Barge Canal from the provisions of section 201 of H. R. 10453; to the Committee on Interstate and Foreign Commerce.

#### ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 12, 1920, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting a supplemental estimate of appropriation, required by the Bureau of Foreign and Domestic Commerce to cover expenses of compiling foreign trade statistics during the fiscal year 1921 (H. Doc. No. 761); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting a further report of the Chief of Engineers, containing an additional partial list of cases in which determinations have been made in accordance with section 10 of the act approved March 2, 1919 (40 Stats., 1290); to the Committee on Rivers and Harbors.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REAVIS, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 339) to create a joint committee on the reorganization of the administrative branch of the Government, reported the same with an amendment, accompanied by a report (No. 959), which said joint resolution and amendment were referred to the Committee of the Whole House on the state of the Union.

Mr. DALLINGER, from the Committee on Elections No. 1, to which was referred the contested election case of James D. Salts against Sam C. Major, submitted a report (No. 961) thereon, which said report was referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOONEY, from the Committee on War Claims, to which was referred the bill (S. 3381) for the relief of Gertrude Lustig, reported the same without amendment, accompanied by a report (No. 957), which said bill and report were referred to the Private Calendar.

Mr. MacGREGOR, from the Committee on Claims, to which was referred the bill (H. R. 13600) for the relief of Mrs. William B. Ryan, reported the same without amendments, accompanied by a report (No. 958), which said bill and report were referred to the Private Calendar.

Mr. PETERS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10520) for the relief of Richard P.

McCullough, reported the same without amendment, accompanied by a report (No. 962), which said bill and report were referred to the Private Calendar.

He also from the same committee to which was referred the bill (H. R. 7535) for the relief of Ellen M. Willey, reported the same without amendment, accompanied by a report (No. 963), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3215) for the relief of I. C. Johnson, jr., reported the same without amendment, accompanied by a report (No. 964), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12337) for the relief of Anthony Sulik, reported the same without amendment, accompanied by a report (No. 965), which said bill and report were referred to the Private Calendar.

Mr. PETERS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12080) to advance Capt. Benjamin S. Berry to the permanent rank of major, reported the same without amendment, accompanied by a report (No. 966), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 14027) providing for the reuse of boxes, bags, or other packages by manufacturers of tobacco, snuff, and cigars, and for other purposes; to the Committee on Ways and Means.

By Mr. TAGUE: A bill (H. R. 14028) to provide for election contests in the Senate and House of Representatives of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BOOHER: A bill (H. R. 14029) to provide for the erection of an addition to the post-office building at St. Joseph, Mo., and for alterations to the present building; to the Committee on Public Buildings and Grounds.

By the SPEAKER: Memorial of the Legislature of the State of New Mexico, requesting Congress to enact legislation defining the legal status of the Pueblo Indians in the State of New Mexico; to the Committee on Indian Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 14030) granting a pension to Sarah C. Mattox; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 14031) granting an increase of pension to William A. Bengé; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 14032) correcting the military record of Ernest R. Crouch; to the Committee on Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 14033) granting a pension to Elizabeth H. Du Hamel; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 14034) granting a pension to Mary F. Stone; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 14035) granting a pension to Hattie Geske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14036) granting a pension to Lillie Geske; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 14037) for the relief of William H. Estabrook; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 14038) granting a pension to Matilda S. Brewer; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 14039) granting a pension to Emma Brock; to the Committee on Invalid Pensions.

By Mr. WHALEY: A bill (H. R. 14040) for the relief of the owners of the Danish steamship *Flynderborg*; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3565. By the SPEAKER (by request): Petition of Ministers' Alliance of Nashville, Tenn., favoring relief for Armenia; to the Committee on Foreign Affairs.

3566. Also (by request), petition of sundry ex-service men of the State of Oregon, favoring the passage of the Sherwood bill, House bill 10373, for a \$500 bonus for soldiers; to the Committee on Ways and Means.

3567. Also (by request), petition of Ancient Order of Hibernians in America, Division No. 3, Patton, Pa., favoring the recognition of the Irish republic and the passage of the Mason bill; to the Committee on Foreign Affairs.

3568. By Mr. CULLEN: Petition of American Steamship Owners' Association, New York City, urging increased compensation to employees of Coast Guard Service; to the Committee on Naval Affairs.

3569. Also, petition of the Madison Club of the Eighteenth Assembly District, Brooklyn, N. Y., urging immediate report of Joint Commission on Salaries in Postal Service; to the Committee on the Post Office and Post Roads.

3570. By Mr. ESCH: Petition of Wisconsin Manufacturers' Association, urging early action on the part of Congress to readjust and increase the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3571. By Mr. GALLIVAN: Petition of joint postal organizations of Boston; National Association of Post Office Laborers, James J. McCarthy, Boston; Coolidge Corner postal employees, Brookline; and M. Condon, Boston; all in the State of Massachusetts, urging early action on the part of Congress to readjust and increase the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3572. Also, petition of James DeNormandie, jr., opposing House bill 12466; to the Committee on the Public Lands.

3573. Also, petition of St. Patrick Branch, Friends of Irish Freedom, West Boston, Mass., favoring the Mason bill, relative to Ireland; to the Committee on Foreign Affairs.

3574. Also, petition of North End Post, No. 53, American Legion; Roxbury Post, No. 44, American Legion, Boston; and three citizens of Boston, Mass., urging immediate passage of soldier-bonus legislation; to the Committee on Ways and Means.

3575. Also, petition of Weston & Flint, Boston, Mass., favoring increased salaries for school-teachers in the District of Columbia; to the Committee on the District of Columbia.

3576. By Mr. GRIFFIN: Petition of P. J. Kane, Democratic Club of New York City, urging favorable and early action on the report of the Joint Congressional Postal Commission, providing for increased salaries for post-office employees; to the Committee on the Post Office and Post Roads.

3577. By Mr. KENNEDY of Iowa: Petition of postmasters of New London, Grandview, Harris, Anita, and Alburnett, all in the State of Iowa, favoring an increase of salary for postal employees; to the Committee on the Post Office and Post Roads.

3578. By Mr. McGLENNON: Petition of Wharton Miners' Union, No. 268, of Wharton, N. J., favoring amnesty for political prisoners; to the Committee on the Judiciary.

3579. Also, petition of Charles Carroll of Carrollton Branch, Thomas F. Meagher Branch, Pierce McCan Branch, Thomas McDonough Branch, and the Wolfe Tone Branch of Friends of Irish Freedom; the Sacred Heart Holy Name Society, and the Holy Name Society, Sacred Heart Parish, all of Jersey City, N. J., in connection with the diplomatic recognition of Ireland, etc.; to the Committee on Foreign Affairs.

3580. By Mr. RAKER: Petition of Chamber of Commerce of the State of New York, protesting against any blanket bonus for soldiers and sailors; to the Committee on Ways and Means.

3581. Also, petition of Merced County Farm Bureau, Calif., indorsing the Capper-Hersman bill and urging its early enactment; to the Committee on the Judiciary.

3582. Also, petition of Mr. and Mrs. Preussler, of Macdoel, Calif., protesting against compulsory military training and conscription; to the Committee on Military Affairs.

3583. By Mr. ROGERS: Petition of Wilmington Post 136, American Legion of Boston, Mass., favoring the passage of the bonus bill; to the Committee on Ways and Means.

3584. By Mr. ROWAN: Resolutions adopted by the Board of Aldermen of New York City, urging the Joint Commission on Postal Salaries to make their report and to increase the salaries of all postal employees so that same may be acted upon before Congress adjourns; to the Committee on the Post Office and Post Roads.

3585. By Mr. SNYDER: Petition of Retail Dry Goods Association, of Herkimer, N. Y., for a declaration of a state of peace and a revision of the present method of taxation, and opposing the granting of cash bonuses for ex-service men; to the Committee on Ways and Means.

3586. Also, petition of Retail Merchants of the Herkimer (N. Y.) Chamber of Commerce opposing the passage of the McNary bill to stamp the manufacturers' cost on boots and shoes; to the Committee on Interstate and Foreign Commerce.

3587. By Mr. TREADWAY: Petition of postal employees of North Adams, Mass., with regard to the civil-service retirement bill and urging immediate report by the postal wage commission; to the Committee on Reform in the Civil Service.

## SENATE.

WEDNESDAY, May 12, 1920.

(Legislative day of Tuesday, May 11, 1920.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

## TERMINATION OF WAR WITH GERMANY.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Mr. HITCHCOCK obtained the floor.

Mr. THOMAS. Mr. President—

Mr. HITCHCOCK. I yield to the Senator.

Mr. THOMAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Borah	Gronna	McCumber	Smith, Md.
Brandegee	Hale	McKellar	Smith, S. C.
Calder	Harris	McNary	Smoot
Capper	Henderson	Moses	Spencer
Chamberlain	Hitchcock	Myers	Sterling
Comer	Johnson, Cal.	Nelson	Swanson
Culberson	Jones, N. Mex.	Norris	Thomas
Curtis	Jones, Wash.	Nugent	Trammell
Dial	Kellogg	Overman	Underwood
Dillingham	Kendrick	Page	Wadsworth
Edge	Kenyon	Phelan	Walsh, Mass.
Elkins	Keyes	Phipps	Warren
Fernald	King	Pittman	Williams
Frelinghuysen	Lenroot	Robinson	
Gay	Lodge	Sheppard	

Mr. SWANSON. My colleague [Mr. GLASS] is unavoidably detained from the Senate. I will let this announcement stand for the day.

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Missouri [Mr. REED] is engaged on a subcommittee of the Committee on Manufactures.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. The Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Montana [Mr. WALSH] are absent on official business.

The VICE PRESIDENT. Fifty-eight Senators have answered to their names. There is a quorum present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 13870) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 795) to provide for the disposition of public lands withdrawn and improved under the provision of the reclamation laws, and which are no longer needed in connection with said laws.

## PETITIONS AND MEMORIALS.

Mr. LODGE presented a telegram in the nature of a memorial from the general convention of the Albanian Orthodox Church of America, remonstrating against the enactment of legislation declaring it to be the sense of the Senate that northern Epirus should be awarded to Greece by the peace conference, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry post-office employees of Coldwater, Mich., and a petition of sundry post-office employees of Otsego, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Women's Clubs of Jackson, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Hamlin Resort Grange, No. 1354, Patrons of Husbandry, of Ludington, Mich., praying for the enactment of legislation granting to farmers the right of collective bargaining, which was referred to the Committee on the Judiciary.